

Notice of Meeting:

I hereby give notice that an ordinary meeting of the Dunedin City Council will be held on:

Date: Friday 3 September 2021
Time: 10.00 am
Venue: Via Zoom Audio Visual Link

Sandy Graham
Chief Executive Officer

Council
PUBLIC AGENDA

MEMBERSHIP**Mayor**
Deputy Mayor

Mayor Aaron Hawkins
Cr Christine Garey

Members

Cr Sophie Barker	Cr David Benson-Pope
Cr Rachel Elder	Cr Doug Hall
Cr Carmen Houlahan	Cr Marie Laufiso
Cr Mike Lord	Cr Jim O'Malley
Cr Jules Radich	Cr Chris Staynes
Cr Lee Vandervis	Cr Steve Walker
Cr Andrew Whiley	

Senior Officer

Sandy Graham, Chief Executive Officer

Governance Support Officer

Lynne Adamson

Lynne Adamson
Governance Support Officer

Telephone: 03 477 4000
Lynne.Adamson@dcc.govt.nz
www.dunedin.govt.nz

Note: Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

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1 PUBLIC FORUM

At the close of the agenda no requests for public forum had been received.

2 APOLOGIES

An apology has been received from Cr Jules Radich.

That the Council:

Accepts the apology from Cr Jules Radich.

3 CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

DECLARATION OF INTEREST

EXECUTIVE SUMMARY

1. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.
2. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.
3. Staff members are reminded to update their register of interests as soon as practicable.

RECOMMENDATIONS

That the Council:

- a) **Notes/Amends** if necessary the Elected Members' Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected Members' Interests.
- c) **Notes** the proposed management plan for the Executive Leadership Team.

Attachments

	Title	Page
↓A	Councillor Register of Interest	7
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Councillor Register of Interest - Current as at 3 August 2021				
Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Aaron Hawkins	Trustee	West Harbour Beautification Trust	Potential conflict WHBT work with Parks and Reserves to co-ordinate volunteer activities	Withdrawal from all West Harbour Beautification Trust/ DCC discussions involving this relationship.
	Trustee	St Paul's Cathedral Foundation	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Residential Property Owner - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Thank You Payroll	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	ICLEI Oceania Regional Executive	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Hospital Local Advisory Group	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Green Party	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Connecting Dunedin (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Board Member	Otago Museum Trust Board (Council appointment)	Duties to Trust may conflict with duties of Council Office. Recipient of Council funding	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Otago Theatre Trust (Council appointment)	Potential grants recipient	Withdraw from discussion and leave the table. If in confidential leave the room. Seek advice prior to the meeting.
	Member	Otago Polytech's Research Centre of Excellence	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	LGNZ National Council	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Alexander McMillan Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Cosy Homes Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chair	LGNZ Policy Advisory Group	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Local Government New Zealand Zone 6 Committee (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Sophie Barker	Director	Ayrmed Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Ocho Newco Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Various publicly listed companies	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Property Owner	Residential Property Owner - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Beneficiary	Sans Peur Trust (Larnach Castle)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Dunedin Heritage Fund Trust (Council appointment)	Duty to Trust may conflict with duties of Council Office	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Trustee	Dunedin Midwinter Carnival	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Committee Member	Otago Anniversary Day Dinner	No conflict Identified	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Dunedin Gas Works Museum Trust (Council appointment)	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
David Benson-Pope	Owner	Residential Property Ownership in Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee and Beneficiary	Blind Investment Trusts	Duty to Trust may conflict with duties of Council Office	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Yellow-eyed Penguin Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	New Zealand Labour Party	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Heritage Fund Trust (Council appointment)	Duty to Trust may conflict with duties of Council Office	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Connecting Dunedin (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Tertiary Precinct Planning Group (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Delegation holder	Second Generation District Plan (2GP) Authority to Resolve Appeals on behalf of Council (Council appointment)	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Hospital Local Advisory Group	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Regional Transport Committee (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Commissioner (Community Representative)	District Licensing Committee (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Rachel Elder	Owner	Residential Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Greater South Dunedin Action Group	Decisions may be considered on the future of South Dunedin.	Withdraw from discussion and leave the table. If in confidential leave the room. Seek advice prior to the meeting.
	Host Parent	Otago Girls High School	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Advisor/Support Capacity	Kaffelagic	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Trails Networks Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chair	Southern Urban Dunedin Community Response Group	Decisions about emergency response recovery may be conflicted	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Craigieburn Reserve Committee (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Keep Dunedin Beautiful (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Okia Reserve Management Committee (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Toitu Otago Settlers Museum Board (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Chairperson	Disability Issues Advisory Group	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Christine Garey	Trustee	Garey Family Trust - Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chair	Creative Dunedin Partnership (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Symphony Orchestra Foundation Board of Trustees (Council appointment)	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Theomin Gallery Management Committee (Olveston) (Council appointment)	No conflict identified	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Chair	Grants Subcommittee (Council Appointment)	No conflict identified	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
		External family member is a Principal Security Consultant	Major supplier to DCC	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Local Government New Zealand Zone 6 Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Doug Hall	Director/Owner	Hall Brothers Transport Ltd	May contract and provide service to DCC	Withdraw from discussion and leave the table. If in confidential leave the room. Seek prior approval from Office of the Auditor General when required.
	Director/Owner	Dunedin Crane Hire	May contract and provide service to DCC	Withdraw from discussion and leave the table. If in confidential leave the room. Seek prior approval from Office of the Auditor General when required.
	Director/Owner	Wood Recyclers Ltd	May contract and provide service to DCC	Withdraw from discussion and leave the table. If in confidential leave the room. Seek prior approval from Office of the Auditor General when required.
	Director/Owner	Dunedin Concrete Crushing Ltd	May contract and provide service to DCC	Withdraw from discussion and leave the table. If in confidential leave the room. Seek prior approval from Office of the Auditor General when required.
	Director/Owner	Anzide Properties Ltd - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	The Woodshed 2014 Limited	May contract and provide service to DCC	Withdraw from discussion and leave the table. If in confidential leave the room. Seek prior approval from Office of the Auditor General when required.
	Owner	Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Farmlands	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Ravensdown Fertiliser	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	PGG Wrightson	Currently no likely conflict	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Silver Fern Farms	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Valley View Development Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Geekfix Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Milburn Processing Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Donor of the use of a building free of charge to the group	Fire Brigade Restoration Society	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Appellant	2GP	Appellant to the 2GP	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Financial Donor	Dunedin North Community Patrol	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Donor of the use of a building free of charge to the group	North Dunedin Blokes Shed	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Partner	Highland Helicopters	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Supplier	Southweight Truck and Weights for testing Weighbridges Otago & Southland	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Craigieburn Reserve Committee (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Chinese Garden Advisory Board (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Toitu Otago Settlers Museum Board (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Carmen Houlahan	Owner	Residential Property - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Rental Property - North Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Part Owner	Adobe Group Ltd, Wanaka	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Rotary Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Institute of Directors	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Property Investors Association	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Company Owner/Sole Director	Shelf Company - RU There	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Startup Business	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Toitu Otago Settlers Museum Board (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Acquisitions Committee (Council appointment)	Possible grants recipient	Withdraw from discussion and leave the table. If in confidential leave the room. Seek advice prior to the meeting.
	Member	Dunedin Public Art Gallery Society (Council appointment)	Possible grants recipient	Withdraw from discussion and leave the table. If in confidential leave the room. Seek advice prior to the meeting.
	Member	Mosgiel Taieri Community Board (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Marie Laufiso	Property Owner	Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Community Building Trust - Trust Owner of Property 111 Moray Place	Duty to Trust may conflict with duties of Council Office	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Board Member	Otago Mental Health Support Trust	Potential grants applicant which would result in pecuniary interest. Duty to Trust may conflict with duties of Council Office	Do not participate in consideration of grants applications. If the meeting is in confidential, to leave the room.
	Trustee	Brockville Community Support Trust	Potential grants recipient	Withdraw from discussion and leave the table. If in confidential leave the room. Seek advice prior to the meeting.
	Trustee	Corso Ōtepoti Dunedin Trust	Potential grants recipient	Withdraw from discussion and leave the table. If in confidential leave the room. Seek advice prior to the meeting.
	Member	Dunedin Manufacturing Holdings Inc	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	National Communications Officer	P.A.C.I.F.I.C.A Inc	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Dunedin Branch Treasurer	P.A.C.I.F.I.C.A Inc	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Dunedin Branch delegate to Arai Te Uru Marae Council	P.A.C.I.F.I.C.A Inc	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Green Party of Aotearoa New Zealand	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Age Concern (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Abrahamic Interfaith Group (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chair	Dunedin Refugee Steering Group (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Settlers Association (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Fair Trading Committee (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Mike Lord	Deputy Chair	Grants Subcommittee	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chair	Social Well Being Advisory Group (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	ML Lord Family Trust - Owner of Residential Properties - Dunedin	Duty to Trust may conflict with duties of Council Office	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Fonterra	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Federated Farmers	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Mosgiel Rotary Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Mosgiel RSA	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	National Party	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Chairperson	Federated Farmers Charitable Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Various publicly listed companies	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Otago Rural Support Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Otago Youth Adventure Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Strath Taieri Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Hereweka Harbour Cone Trust (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	District Licensing Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Jim O'Malley	Owner	Biocentrix Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Mosgies Association Football Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Ocho Newco Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Residential Property Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Ayrmed Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Ice Sports Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Manufacturing Holdings	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Ice Sports Dunedin Incorporated (Council appointment)	Potential grants recipient	Withdraw from discussion and leave the table. If in confidential leave the room. Seek advice prior to the meeting.
	Member	Connecting Dunedin (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Okia Reserve Management Committee (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Tertiary Precinct Planning Group (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Waikouaiti Coast Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Jules Radich	Shareholder	Izon Science Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Taurikura Drive Investments Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Shareholder	Golden Block Developments Ltd	The Auditor General has issued a declaration under section 6(4) of LAMIA allowing Cr Radich to participate on the grounds that it is in the interests of the electors and inhabitants of the area that he be allowed to do so. The declaration applies to the Council meeting on 25 May 2020 and to discussion and deliberations on the Annual Plan 2020/21 up to and including the adoption of the Annual Plan	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Cambridge Terrace Properties Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Southern Properties (2007) Ltd	The Auditor General has issued a declaration under section 6(4) of LAMIA allowing Cr Radich to participate on the grounds that it is in the interests of the electors and inhabitants of the area that he be allowed to do so. The declaration applies to the Council meeting on 25 May 2020 and to discussion and deliberations on the Annual Plan 2020/21 up to and including the adoption of the Annual Plan	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Golden Centre Holdings Ltd	The Auditor General has issued a declaration under section 6(4) of LAMIA allowing Cr Radich to participate on the grounds that it is in the interests of the electors and inhabitants of the area that he be allowed to do so. The declaration applies to the Council meeting on 25 May 2020 and to discussion and deliberations on the Annual Plan 2020/21 up to and including the adoption of the Annual Plan	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	IBMS Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Raft Holdings Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Otago Business Coaching Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Effectivise Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Athol Street Investments Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Allandale Trustee Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Aberdeen St No2 Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Acquisitions Committee (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Society (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Road Safety Action Plan	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	100% Shareholder/Director	Panorama Developments Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Tertiary Precinct Planning Group (Council appointment - alternate)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Saddle Hill Community Board (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Chris Staynes	Chairman	Cargill Enterprises	Contractor and service provider to DCC	Withdraw from discussion and leave the table. If the meeting is in confidential leave the room.
	Director	Wine Freedom	Supplier to DCC	Withdraw from discussion and leave the table. If the meeting is in confidential leave the room.
	Patron	Otago Model Engineering Society	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Balmacewen Lions Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Otago Southland Manufacturers Association Trust	Possible co-funder of ED project. Duties to the Trust may conflict with duties of Council	Withdraw from discussion and leave the table. If the meeting is in confidential leave the room. Seek advice prior to the meeting.
	Life Member	Otago Chamber of Commerce	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Deputy Chair	Cancer Society of Otago/Southland	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Board Member	NZ Cancer Society	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Patearoa Golf Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	President	Balmacewen Lions	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	CJ and CA Staynes Family Trust - Property Owner - Dunedin and Patearoa	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	George Street Wines Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Saddle Hill Investment Trust Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	NZ Association of Amateur Radio and Transmitters	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Board Member	Otago Museum Trust Board (Council appointment)	Duties to Trust may conflict with duties of Council Office. Recipient of Council funding	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Trustee	Theomin Gallery Trust (Council appointment)	Duties to Trust may conflict with duties of Council Office. Recipient of Council funding	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Chairman	Grow Dunedin Partnership (Council appointment)	Duties may conflict with duties of Council Office. Recipient of Council funding	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Dunedin Shanghai Association (Sister City Society) (Council appointment)	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Trustee	For Trades Apprenticeship Training Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Social Well Being Advisory Group (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Local Government New Zealand Zone 6 Committee (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Lee Vandervis	Director	Lee Vandervis, Antonie Alm-Lequeux and Cook Allan Gibson Trustee Company Ltd - Residential Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Bunchy Properties Ltd - Residential Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Vandervision Audio and Lighting - Hire, Sales and Service Business	May contract and provide service to DCC	Withdraw from discussion and leave the table. If the meeting is in confidential leave the room. Seek advice prior to the meeting.
Steve Walker	Chairperson	Dunedin Wildlife Hospital Trust	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential leave the room. Seek advice prior to the meeting.
	Chairperson	West Harbour Beautification Trust	Potential conflict WHBT work with Parks and Reserves to co-ordinate volunteer activities	Withdrawal from all West Harbour Beautification Trust/ DCC discussions involving this relationship.
	Member	Orokonui Ecosanctuary	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential leave the room. Seek advice prior to the meeting.
	Member	Port Chalmers Golf Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Keep New Zealand Beautiful	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential leave the room. Seek advice prior to the meeting.
	Member	Society of Beer Advocates	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	New Zealand Labour Party	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Port Chalmers Historical Society	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential leave the room. Seek advice prior to the meeting.
	Owner	Residential Property - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Various publicly listed companies	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	NZ Sea Lion Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Edinburgh Sister City Society (Council appointment)	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Connecting Dunedin (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Te Ao Turoa Partnership (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Keep Dunedin Beautiful (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Tertiary Precinct Planning Group (Council appointment - alternate)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	West Harbour Community Board (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Andrew Whiley	Owner/Operator	Whiley Golf Inc and New Zealand Golf Travel Ltd	No conflict identified	Withdraw from discussion and leave the table. If the meeting is in confidential leave the room. Seek advice prior to the meeting.
	Director/Shareholder 22 May 2017	Estate of Grace Limited	No conflict identified	Withdraw from discussion and leave the table. If the meeting is in confidential leave the room. Seek advice prior to the meeting.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Trustee	Japek (Family Trust) - Property Ownership - Dunedin	Duties to Trust may conflict with duties of Council Office.	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Otago Golf Club	No conflict identified	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Dunedin South Rotary Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Board Member	New Zealand Professional Golfers Assn	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Institute of Directors	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	National Party	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairman	Volunteering Otago	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Otaru Sister City Society (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Society (Council appointment)	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Grow Dunedin Partnership (Council appointment - alternate)	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	NZ Masters Games Trust Board (Council appointment)	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Acting Chair	Dunedin Community House Executive Committee	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Puketai Residential Centre Liaison Committee (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Property Investors Association	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Chisholm Links Golf Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Peninsula Community Board (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Executive Leadership Team - Register of Interest - current as at 4 June 2021					
Name	Date of Entry	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Sandy Graham		Owner	Residential property Dunedin	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	19/09/2018	Trustee	Trustee of the Taieri Airport Facilities Trust	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	25/07/2019	Member	Otago Golf Club	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Simon Pickford		Owner	Residential property, Dunedin	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	16/08/2017	Member	SOLGM Regulatory Reference Group	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	21/02/2020	Wife	Owns residential properties, Dunedin	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	18/09/2020	Member	Kotui Board	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
John Christie		Wife is a member	Taieri Community Facilities Trust	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
		Investor/Director	Saddle Hill Investment Trust	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
		Shareholder	Clocktower	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
		Owner	Residential Properties Mosgiel	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	15/09/2017	Trustee	Diversity Works NZ	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	09/07/2018	Member	Society of Local Government Managers	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	19/02/2020	Daughter is a member	Youth Council	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Simon Drew	16/11/2020	Trustee	Sister Cities New Zealand	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
		Owner	Residential property Dunedin	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
		Chartered Member	Engineering New Zealand	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	17/04/2019	Judge	ACENZ (Association of Consulting Engineers NZ) Innovate Awards Judge	ACENZ have own conflict of interest policies.	Would not be allowed to judge a DCC project.
	17/04/2019	Member	Society of Local Government Managers	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Robert West			South Coast Builders engaged to carry out work on property	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
		Owner	Residential property Dunedin	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
		Trustee	Caselberg Trust	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Executive Leadership Team - Register of Interest - current as at 4 June 2021					
Name	Date of Entry	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Gavin Logie	17/07/2020	Owner	Residential property Dunedin	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
		Owner	Residential property Wanaka	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
		Minority shareholder	Southern Hospitality	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
		Director	Golden Block Investments Limited	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	17/07/2020	Director	Five Council-owned non-trading companies	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	14/01/2021		Wife works in a senior financial position in the Finance Department, University of Otago	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Jeanette Wikaira			Son works for Tregaskis Brown who provide consultancy services to Central Government	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
		Trustee	Dunedin North Intermediate School	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
		Member	Otago Institute of Arts and Science	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
		Trustee	Hone Tuwhare Charitable Trust	No conflict identified.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

REPORTS

SUBMISSION TO ORC REGIONAL POLICY STATEMENT 2021

Department: City Development

EXECUTIVE SUMMARY

- 1 Otago Regional Council (ORC) is required to prepare and notify a new Regional Policy Statement and for this document to be operative by 1 April 2022.
- 2 The new Regional Policy Statement must comply with the National Planning Standards (including e-planning) and take account of a range of new or amended national guidance (national policy statements and national environmental standards) and legislation that has developed since the Otago Regional Policy Statement 2019 was originally developed.
- 3 On 26 June 2021, the ORC released its Proposed Otago Regional Policy Statement 2021 (RPS) which will replace the partially operative Otago Regional Policy Statement 2019. Submissions on the RPS close on Friday 3 September 2021.
- 4 The purpose of the report is to seek approval for a Dunedin City Council (DCC) submission on the RPS (Attachment A). The format of submission is prescribed by regulation (Form 5 of the Resource Management Regulations 2003).
- 5 The DCC submission highlights a number of concerns regarding the following key matters:
 - a) Providing a framework that allows DCC to deliver infrastructure to support growth;
 - b) Not conflicting with the DCC direction on Urban Growth;
 - c) Taking a collaborative approach with local authorities;
 - d) Defining clear and consistent roles and responsibilities;
 - e) Use of appropriate policy language that ensure objectives can be balanced rather than read in isolation;
 - f) Reduction of duplication with other legislation, and acknowledgment of future anticipated significant changes to legislation that could impact the RPS and lower order plans;
 - g) Focusing on regional issues;
 - h) Not reopening topics that were recently settled in the partially operative RPS 2019 and or through the 2GP; and

- i) Acknowledging that there are other significant changes to legislation (e.g. National Policy Statement for Indigenous Biodiversity, National Policy Statement for Highly Productive Land, Natural and Built Environments Act, etc.) that are likely to have a significant impact on the content of the RPS and that the RPS provides for that input at the appropriate time.

RECOMMENDATIONS

That the Council:

- a) **Approves** the DCC submission, with any amendments, to the ORC on the Proposed Otago Regional Policy Statement 2021.
- b) **Authorises** the Chair of the Planning and Environment Committee or his delegate to speak to the DCC submission at the Hearings.
- c) **Authorises** the Chief Executive to make any minor editorial changes to the submission to ensure consistency of language.

BACKGROUND

- 6 The Regional Policy Statement is a high-level policy framework for sustainable integrated management of Otago's resources.
- 7 It is a requirement of the Resource Management Act (RMA) that Regional Councils must always have a regional policy statement to achieve the purposes of the RMA, by providing an overview of:
 - a) The resource management issues of the region; and
 - b) Policies and methods to achieve integrated management of the natural and physical resources of the whole region.
- 8 The Resource Management Act establishes a hierarchy of policy statements and plans which seek to give substance to achieve the sustainable management purpose of the Act. This hierarchy of planning instruments is comprised of:
 - a) National Policy Statements (e.g. the New Zealand Coastal Policy Statement).
 - b) National Environmental Standards (e.g. NES for Freshwater).
 - c) National Planning Standards
 - d) Regional policy statements.
 - e) Regional plans.
 - f) District plans
- 9 Regional and district plans which must 'give effect to' a regional policy statement once operative. Therefore, it is important the DCC submit on the RPS as it:

- a) Can have a strong influence on the DCC's District Plan content and work programme by directing DCC to instigate or adjust plan changes to align with it;
 - b) Sets the framework for regional plans which contain rules that govern DCC activities through its regulatory functions and responsibilities under the RMA and other legislation, including as an infrastructure provider (e.g. municipal water supply and wastewater discharge); and
 - c) Details the roles and responsibilities of both District and Regional Councils in giving effect to the Regional Policy Statement, which can move responsibility from one authority to another and determine where activities are managed by both (within the framework set by Sections 30 and 31 of the RMA).
- 10 The ORC undertook consultation on the draft RPS from February 2020 using online surveys and reference groups, as well as incorporating feedback from other related consultation processes.
- 11 Clause 3 and Clause 4A under Schedule 1 of the Resource Management Act 1991 requires key stakeholders are given the chance to review the draft RPS before formal notification. This Statutory consultation took place in April and May 2021 through which DCC staff provided informal feedback.
- 12 The RPS was formally notified on 26 June 2021, with submissions closing on Friday 3 September 2021.

Freshwater planning process

- 13 Usually a proposed Regional Policy Statement would be processed in accordance with the First Schedule to the RMA and follow a notification, initial submissions, further submissions, hearing, decisions and then appeals order.
- 14 The Resource Management Amendment Act 2020 introduced the freshwater planning process to the RMA. The freshwater planning process was introduced to enable Regional Councils to make changes to their freshwater plans in a robust but more efficient way than the current RMA Schedule 1 planning process.
- 15 The ORC has determined that the whole of the RPS 2021 is a freshwater planning instrument and therefore will be subject to the freshwater planning process set out in Section 80A of the RMA. The following statements are excerpts from the ORC public notice for the RPS:

"The RPS is considered to meet the requirements of Section 80A(2)(a) and 80A(2)(b) of the Resource Management Act 1991 because the Chapters of the RPS 2021 are either giving effect to any national policy statement for freshwater management or relate to freshwater.

The single purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. That purpose can only be achieved through an integrated approach to the task of managing those resources. The RPS 2021 has been prepared to achieve that outcome. To not have it considered a freshwater planning instrument would be to defeat that purpose."

- 16 The following is an outline of the rest of the freshwater planning process set out in Part 4 of Schedule 1 of the RMA:

- a) the Chief Freshwater Commissioner must convene a freshwater hearings panel to conduct the public hearing of submissions on the freshwater planning instrument:
 - b) the freshwater hearings panel must conduct the public hearing of submissions in accordance with its powers and the procedures set out in Part 4 of Schedule 1:
 - c) after the public hearing of submissions is concluded, the freshwater hearings panel must make recommendations to the regional council on the freshwater planning instrument:
 - d) the regional council may accept or reject any recommendation. However, —
 - i) the regional council must provide reasons for rejecting a recommendation; and
 - ii) a person who made a submission on the freshwater planning instrument may make an appeal in accordance with subpart 2 of Part 4 of Schedule 1.
- 17 Appeal rights are limited compared to the standard process. Avenues for appeal depend on whether the ORC accepts or rejects the panel's recommendation. If the ORC accepts the recommendation, an appeal is available to the High Court on a point of law, and a further appeal to the Court of Appeal (subject to leave being granted). If the ORC rejects the recommendation, a merit appeal is available to the Environment Court, and a further appeal on a point of law to the High Court. There is no ability to appeal to the Supreme Court.

DISCUSSION

- 18 Staff have prepared a DCC submission on the RPS. The DCC submission highlights a number of concerns regarding the following key matters:
- a) The RPS must provide a framework that will allow DCC to deliver infrastructure to support growth in the city in an efficient and effective manner;
 - b) The RPS direction on urban growth must not conflict with those in the Dunedin City District Plan;
 - c) The RPS should take a collaborative approach with territorial local authorities on matters where there is shared responsibility under the RMA e.g. natural hazards and climate change;
 - d) That the RPS provides clear and consistent direction on roles and responsibilities, particularly regarding how regionally significant issues will be addressed into the future;
 - e) Use of directive strong policy language with no or incomplete qualifiers which may not allow matters to be appropriately balanced, for example policies that use "avoid" or "enable";
 - f) That the RPS does not duplicate (or duplicate without acknowledgement) policies that are established in other legislation or national planning documents e.g. the New Zealand Coastal Policy Statement (2010);
 - g) That the RPS should focus on regional issues e.g. regional transport, rather than local issues e.g. provisions for commercial, industrial or rural residential activities;

- h) Where possible (with the exception of freshwater management) the RPS does not attempt to reopen topics that were recently settled in the partially operative RPS 2019 and or through the 2GP; and
- i) That the RPS acknowledges that in the near future there other significant changes to legislation (National Policy Statement for Indigenous Biodiversity, National Policy Statement for Highly Productive Land, Natural and Built Environments Act, etc.) that are likely to have a significant impact on the content of the RPS and that the RPS provides for that input at the appropriate time.
- 19 Please note that the RPS includes appendix APP10 – ‘Housing bottom lines’ which includes Table 10: Bottom lines for development capacity for Tier 2 urban environments. This is to be populated as soon as practicable following the publication of a relevant Housing Capacity Assessment. The relevant numbers for Dunedin from the *Housing Capacity Assessment for Dunedin City (DCC, July 2021)* report are as follows:

Tier 2 Urban Environment	Short-Medium Term (0-10 years)	Long Term (11-30 years)
Dunedin	4,852 (5,822*)	9,645 (11,334*)

*This reflects the projected new dwellings required plus the market competitiveness margins of 15-20%, as required by the NPS-UD.

OPTIONS

- 20 While there is always the option for DCC to not submit on the RPS, staff can identify no reason not to.
- 21 Staff advice is that the RPS is too important not to make a submission on and recommend that DCC approves the DCC submission (attachment A), with any amendments.
- 22 The DCC submission provides an opportunity to highlight areas of concern with the RPS. To complete this submission, staff from several areas of Council have had the opportunity to provide input into the DCC submission to provide the DCC the best opportunity and ability to influence outcomes for our communities.

NEXT STEPS

- 23 The submission has been compiled in a relatively short timeframe and with input from a number of Council departments. Approval is sought for the Chief Executive to make minor editorial changes to the submission to ensure consistency of language.
- 24 Staff will send the DCC’s submission on the Proposed Otago Regional Policy Statement to the Otago Regional Council by 3 September 2021.
- 25 The Council will have the opportunity to make a further submission in support of, or in opposition to, a submission point. The RMA requires a two-stage submission process on policy and plan development; namely, (i) a submission stage, and (ii) a further submission process, when there is an opportunity to make further submissions on the original submissions.
- 26 The date for hearing of submissions is yet to be advised.

Signatories

Author:	Paul Freeland - Senior Planner
Authoriser:	Anna Johnson - City Development Manager Simon Drew - General Manager Infrastructure and Development

Attachments

	Title	Page
⬇️A	Draft Submission to ORC RPS 2021	27

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

The decision to lodge a submission enables democratic local decision making and action on behalf of communities, by highlighting to the ORC issues of local concern.
 This decision also relates to providing regulatory functions as addressed in the report.

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environment Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arts and Culture Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Waters Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Spatial Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Integrated Transport Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and Recreation Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other strategic projects/policies/plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The RPS does not contribute directly to the strategic framework. However, as District Plans must give effect to the Regional Policy Statements, it has direct implications for the Council's Second Generation District Plan.

Māori Impact Statement

The development of the RPS includes Māori specific considerations. Aukaha were a key stakeholder involved in the reference groups and statutory consultation undertaken by ORC prior to formal notification. Given the timeframe constraints for submission feedback, staff have been unable to consult with mana whenua and mataawaka on the impacts that may result from a decision to approve the DCC submission.

Sustainability

The RPS is a high level policy framework for sustainable integrated management of Otago's resources and identifies the regionally significant issues that are addressed by that framework.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

While the decision to submit has no implications for the LTP, some of the methods proposed in the RPS could create an increased expectation of action by Council.

Financial considerations

There are no known financial implications.

Significance

This decision is considered to be of low significance when assessed against the Significance and Engagement Policy.

Engagement – external

There was no external engagement on this report.

SUMMARY OF CONSIDERATIONS

Engagement - internal

Staff from 3 Waters, Waste, City Development, Transportation Planning, and Corporate Policy have had input into the draft submission.

Risks: Legal / Health and Safety etc.

There are no known risks.

Conflict of Interest

There are no known conflicts of interest.

Community Boards

Application of the RPS will impact all areas of the community including those covered by Community Boards.

Written Submission on Proposed Otago Regional Policy Statement 2021

(Submissions must be received by Otago Regional Council by 3 pm Friday 3 September 2021)

To: Otago Regional Council

1. **Name of submitter** *(full name of person/persons or organisation making the submission. Note: The submissions will be referred to by the name of the submitter)*

Dunedin City Council

2. This is a submission on the **Proposed Otago Regional Policy Statement 2021**.
3. DCC **could not** gain an advantage in trade competition through this submission. *(See notes to person making submission)*
4. DCC **is** directly affected by an effect of the subject matter of the submission that
- a. adversely affects the environment; and
 - b. does not relate to trade competition or the effects of trade competition *(See notes to person making submission)*
5. DCC **wishes** to be heard in support of its submission
6. If others make a similar submission, DCC **will** consider presenting a joint case with them at a hearing
7. **Submitter Details**
- a. **Signature of submitter** *(or person authorised to sign on behalf of submitter)*

- b. **Signatory name, position, and organisation** *(if signatory is acting on behalf of a submitter organisation or group referred to at Point 1 above)*

Name: Mayor Aaron Hawkins

Position Mayor

Organisation Dunedin City Council

- c. **Date**

3 September 2021

Address for service of submitter *(This is where all correspondence will be directed)*

d. Contact person *(name and designation, if applicable)*

Anna Johnson

e. Email:

Anna.Johnson@dcc.govt.nz (please also cc: to sarah.hickey@dcc.govt.nz)

f. Telephone:

(03) 477 4000

g. Postal address *(or alternative method of service under [section 352](#) of the Act):*

50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

8. My submission is:

See attached

GENERAL COMMENTS/QUESTIONS

Introduction

The DCC would firstly like to acknowledge the short timeframe that the ORC has had to prepare this new RPS and the fact that the decision to review the RPS so soon after the previous RPS was a requirement that was placed upon them. It also wishes to acknowledge and thank the ORC for the work they have done to consider DCC feedback on the draft RPS in the timeframe available. It is noted that several suggestions have been taken on board. The timeframe, however, has meant that the consultation in preparing the RPS has been inadequate and this lack of adequate engagement with local authorities is reflected in the quality of the document and the range of matters that the DCC is raising through this submission. However, DCC staff wish to emphasise that they do not wish this to be seen as a criticism of the efforts of ORC staff as part of this plan-making process but rather it highlights the importance of allowing enough time for plan-making and dedicated engagement with local authorities as part of the development of Regional Policy Statements.

DCC has made submissions on individual RPS provisions, but it also wishes to make the following broad comments that should be read as applying across all provisions whether mentioned later in the submission or not.

- (1) Concerns about whether the RPS gives effect to the National Policy Statement on Urban Development (NPS-UD) and adequately provides for housing and the infrastructure to support housing in Dunedin.

There are a number of areas where there is lack of clarity in terms of language used, integrated management between competing policies and methods, duplication of other regulatory documents and re-opening of recently settled matters from the partially operative Regional Policy Statement 2019. It is also noted that this RPS looks to be the basis for the as yet non-existent Regional Plan: Land and Water, and while the DCC agrees with the need for this regional direction, considering the policy framework of this RPS without having consulted on the content of the Regional Plan: Land and Water is somewhat problematic.

Overall, the DCC considers that the proposed RPS, as currently drafted, is quite restrictive and does not adequately provide for all the activities necessary for the wellbeing of people and communities, including access to housing or the ability to be affordably serviced for infrastructure. The proposed RPS has a strong emphasis on protection of the environment and in many circumstances seeks to require the total avoidance of certain adverse effects on the environment. While the DCC supports environmental protection outcomes, there is a lack of recognition that in some circumstances a level of effect (e.g. remedying or mitigating effects) should be acceptable when these residual effects are balanced against positive effects or outcomes, for example providing for new housing or infrastructure to meet growth demands.

To a large extent this problem is due to the lack of objective cross-referencing within policies and the attempt to address the balancing of objectives through the content in the Integrated Management section, the content of which exacerbates rather than helps with this issue. This is discussed in more depth later in this submission. It is also due to the policy wording chosen which is also discussed more below.

Some more work is required to achieve the appropriate balance necessary to promote 'sustainable management', and the wellbeing of people and communities, and the environmental bottom lines. This policy evaluation must include consideration of the costs of improved environmental outcomes and the ability of communities to pay (appropriately weighing the costs and benefits of regulation) as required by Section 32 of the Act.

In this regard, DCC considers that the RPS does not fully give effect to the NPS-in that it does not appropriately provide for the infrastructure required to support urban growth and development nor create an appropriate policy framework to direct an adequate range of options for accommodating housing demand to be pursued through plan changes.

Dunedin, along with other parts of Otago, is growing rapidly, and growth will inevitably result in some environmental effects. While these effects must be managed and some environmental bottom lines should be set, there appears to be too high a priority on preventing any adverse effects rather than determining what levels of effects are acceptable to support this growth. The DCC would like the RPS to give greater consideration to how these potential adverse effects may be otherwise mitigated or remedied. Care must be taken to avoid a situation where servicing this growth or providing for people's health and wellbeing through appropriate infrastructure and opportunities for housing is an impossibility within the RPS framework.

Across all content, consider whether any changes to methods are required to reflect proposed changes to the RM system, for example the need to delay timeframes or change references to planning documents (e.g. adding new references to Strategic Spatial Plans) recognising that this RPS is likely to be part of transitional provisions that would under the new system be part of a regional-scale plan.

Use of "avoid"

The DCC has significant concerns around the use of directive policy language that sits at the edges of the policy language spectrum ('avoid' and 'enable'). It is very important to ensure that unconditional wording/directive policies are used sparingly, particularly where they may conflict with other policies (e.g. 'avoids impacts on the productive potential of land'). Examples of this are Air-P4, EIT-EN-P5.

The DCC considers that the ORC should exercise caution when using these terms in light of the Supreme Court's decision in the King Salmon case. Based on the outcome of the King Salmon case the drafting of policies and objectives in the RPS now requires greater precision. This is because subordinate plans are required to give effect to the RPS. For example, if the RPS says 'avoid', lower order plans will have to include provisions that avoid those particular activities or effects relevant to that policy or objective. This would have the consequence of making it practically impossible for councils to grant consents where such effects arise. DCC considers it is better practice to include the weighting or balancing within the policy such as has been done in CE-P12 with the use of 'avoid ... unless' language.

The DCC also notes the high bar set by 'avoid or minimise' with no qualifier around the practicability (including but not limited to cost) of minimisation (reducing to the smallest extent possible). DCC suggests this should generally be 'avoid or minimise as far as practicable' or similar. This is the language used in our district plan and in some but not all places in the RPS.

The DCC also has concerns with the use of the policy wording "avoid, remedy or mitigating other adverse effects". This wording has led to arguments in DCC's district plan (2GP) appeals that a district plan cannot set a standard higher than this e.g. that it requires DCC, for that issue, to have a policy that allows applicants to pick the level of management they want and precludes DCC from setting a more specific standard for effects management.

Other policy language inconsistencies

There is an inconsistency in 'style' in the drafting of objectives and policies in the RPS that should be reconciled, the DCC has raised a number of submission points in relation to drafting but makes the following broad requests:

1. Objectives should read as 'end-states' and should not include policy content (how the end state is to be achieved, or explanations e.g. why it is necessary; and

2. Policies should be a 'course of action' and describe how the objectives should be achieved. In general, the DCC prefers policies to be drafted in an active directive way as has been done in NFL-P2 'protect outstanding natural features and landscapes by...'. This makes the role of the RPS in directing plan content clearer and easier to interpret. It does not prefer the 'future perfect' tense that is used in some places such as EIT-EN-P1 'The operation and maintenance of existing *renewable electricity generation activities* is provided for while minimising its adverse *effects*' and EIT-EN-P3 *The security of renewable electricity supply is maintained or improved in Otago through appropriate provision for the development or upgrading of renewable electricity generation activities and diversification of the type or location of electricity generation activities.*

Clear and accurate drafting is critical to avoid lengthy debates in plan-making processes for plans that sit under the RPS. Policies must be written as if they will be argued to be taken on face value, 'mean what you say, and say what you mean' must be paramount.

Conflicts

There is tension between the infrastructure (INF) policies and methods and the coastal environment (CE) and 'land and freshwater' (LF) policies and methods. When considering water, wastewater and stormwater infrastructure, the INF policies and methods recognise and provide for the physical infrastructure assets to be installed, maintained etc – so they are enabling policies, however the use of these physical assets for discharging sewage/wastewater/stormwater/contaminants is heavily restricted (or prohibited) by the policies and methods in the CE and LF chapters. The DCC and other asset managers need certainty that infrastructure can be used to discharge stormwater and wastewater, as well as being able to install the pipes, pumping stations, tanks etc.

Scope of content and change from recent partially operative RPS

The RPS development process has consumed a lot of planning resource in the region over the last several years and this latest version comes at a time when there is a need to respond to substantial new national policy direction plus legislative changes. Significant time was spent on the previous RPS getting all parties to agree content. There seems to be significant departure from previously agreed content for no apparent reason in places. In principle, DCC requests that ORC do not amend content that has been agreed through the previous lengthy RPS mediation-appeal process unless there is a compelling reason to do so.

There is also an opportunity for more streamlining to remove content that is otherwise adequately managed via the RMA or national policy direction, or within lower order Regional and District Plans. Content should be confined to matters that have a clear link to matters of regional significance where their inclusion in the RPS is necessary to set a higher order policy direction.

Reducing the scope of the RPS and making it a lean document with only essential matters would avoid duplication and complication and save all parties significant time in needing to resolve matters, including those with a high likelihood of future legislative change/direction.

Other general comments

- Where nationally significant issues are relevant to Otago, they would benefit from being framed in terms of specific impacts in/on Otago.
- There is no reference to 'noise' as an amenity issue that should be managed (although reverse sensitivity is mentioned)? Is this intentional?
- The proposed RPS has limited reference to the management of hazardous substances.

- On current reading, climate mitigation appears to be largely absent from the RPS. In several places it is unclear whether the RPS refers to climate change adaptation (preparing for the effects of climate change) and/or climate mitigation (reducing net greenhouse gas emissions). It will be important to undertake both mitigation and adaptation, and therefore refer specifically to both throughout the RPS.

Roles and Responsibilities

Several provisions in the RPS provide direction regarding roles and responsibilities e.g. “territorial authorities led by ORC”. DCC considers that agreements around roles and responsibilities should be negotiated through the triennial agreement and not imposed via the RPS.

Structure and need for more cross-referencing

The DCC is aware that the RPS structure is constrained by the national planning template, however the RPS would be easier to read and interpret if the policies clearly and directly linked to the objectives and overarching issues and methods clearly linked to policies. This should be achieved through cross-referencing to the other related content (rather than rephrasing of the subject matter of that content). This will significantly reduce the risk of inconsistencies in the RPS. It is also difficult to determine the linkages between the issues, domains and topics. It isn’t completely clear for any given issue what objective is being given effect to by which policies, particularly where there is tension/conflict between policies, and how the methods link to the policies. Cross-references between provisions would also assist the reader to make the links between the issue statements and the solutions to address the issues.

Further, it would be useful if sections and subsections could be numbered to make navigation of this large document easier.

The DCC submits that this relief is considered for all content not just where it has been specifically suggested or highlighted.

Process

Regarding the hearing process, DCC considers that it would be useful and efficient to provide the opportunity for pre-hearing mediation and expert caucusing and asks that the Panel consider this request.

Maori/English language

The use of Maori language is supported in the RPS however to make the RPS accessible to all users please consider providing the English equivalent as well e.g. Ki uta ki tai (from the mountains to the sea) and making it clear if the Maori wording has an additional meaning or not e.g. supports the well-being of present and future generations, mō tātou, ā, mō kā uri ā muri ake nei. In this instance the English and Maori versions have the same meaning.

WHOLE RPS

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are: (please enter the relevant objective, policy, method or other provision reference where possible. For example, AIR-01)</i>	<i>I support or oppose the specific provisions or wish to have them amended (please indicate support, oppose or amend)</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority: (Please be as clear as possible – for example, include any alternative wording for specific provision amendments.)</i>
N/A	Entire RPS	Amend	To address the matters raised in the introductory comments.	In addition to the specific requests below, any such necessary, consequential or further relief required to address the concerns identified in the following table, and to: <ul style="list-style-type: none"> - enable the effective and efficient establishment, operation, use and maintenance of wastewater, stormwater and water supply systems and infrastructure; - enable the use and development of land in accordance with the NPS-UD; - enable a coordinated and collaborative approach between the ORC and territorial authorities on climate change adaption; - ensure that the general comments above are implemented throughout the RPS; and - better achieve the purpose of the Resource Management Act 1991 (RMA).
N/A	Entire RPS – Specification of dates	Amend	There are a number of provisions that contain directions with timeframes, with almost all of these timeframes differing. It would be useful to understand the basis for these timeframes.	Amend RPS as required to ensure district plan change requirement dates are realistic and achievable based on current work programme priorities, most of which are tied to implementing national direction, and staff resources available (noting current market

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				<p>constraints in recruiting planning staff). Add content to allow these dates to be changed by mutual agreement in consideration of other priorities.</p> <p>Where possible align dates with the date required to produce a new plan under any replacement legislation being brought forward through the RM System reform.</p>
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PART 1 – INTRODUCTION AND GENERAL PROVISIONS

How the policy statement works

RPS Page Number	The specific provisions of the proposal that my submission relates to are:	I support or oppose the specific provisions or wish to have them amended	The reasons for my view are:	I seek the following decision from the local authority:
11	Cross boundary matters (page 11, 1 st bullet point)	Amend	“may be affected by <i>land uses</i> in the other two (through sediment flowing down the Clutha Mata-au, for instance)”. Fine sediments entrained in high flows may flow downstream, but larger grained sediment may be trapped behind the Clyde and Roxburgh Dams – also having impacts down catchment.	Amend to include acknowledgement of the impacts of dams on the distribution of larger-sized sediment.
11	Cross boundary matters (page 11, 5 th bullet point)	Amend	“... and potentially shared services such as waste disposal” Wording should reflect wider hierarchy (from Waste Minimisation Act) – reduction, reuse, recycling, recovery, treatment, disposal.	Amend ‘waste disposal’ to ‘waste management and minimisation’.

Interpretation

RPS Page Number	The specific provisions of the proposal that my submission relates to are:	I support or oppose the specific provisions or wish to have them amended	The reasons for my view are:	I seek the following decision from the local authority:
14	Interpretation - General	Amend	Suggested new definitions/clarification required.	Amend by defining ‘waterways’ (or use alternative consistent terminology) and ‘reticulated system’.

25	Interpretation - Definition of <i>infrastructure</i>	Amend	This definition does not include landfills. Landfills provide an important function and service as do the other items listed in the definition of infrastructure.	Amend to include '(m) landfills.'
33	Interpretation - Definition of regionally significant infrastructure	Amend	<p>In relation to (9) and (10) – what is the meaning of 'community'? Further clarification would be useful and could potentially be provided through additional definitions (e.g. 'community drinking water supply'). The DCC notes that its interpretation of 'community drinking water supply' includes those reticulated supplies of treated water (drinking water) provided to communities for human consumption and a range of other uses that may include including bathing and toileting, rural and stock purposes, irrigation, watering gardens, washing cars, fire-fighting, watering sports fields and parks, and water-intensive commercial and industrial processes.</p> <p>This definition does not directly include landfills. Landfills provide an important function and service as do the other items listed in the definition of infrastructure.</p> <p>The definition refers to the One Network Road Classification in relation to the identification of regionally significant roads. Waka Kotahi and road controlling authorities are in the process of implementing the One Network Framework to replace the One Network Road Classification</p>	<p>Amend the wording of <i>regionally significant infrastructure</i> points (9)-(11) and/or provide additional definitions (e.g. a definition of 'community drinking water supply') to give greater clarity.</p> <p>Amend to include (13) 'landfills'.</p> <p>Replace 'One Network Road Classification' with 'One Network Framework'</p>
41	Interpretation – Definition of Well-functioning urban environments	Support	We agree with referring to the definition in the NPS-UD as this avoids confusion.	Retain definition as notified.

MW – Mana whenua

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
60/61	MW-01 – Principles of Te Tiriti o Waitangi MW-P1 – Treaty obligations MW-P2 – Treaty principles MW-P3 – Supporting Kāi Tahu well-being	Support	The DCC supports the principles of the Treaty of Waitangi.	Retain these provisions as notified.
61	MW-P4 – Sustainable use of Māori land	Amend	What is considered to be an effect on health and safety of people (what would this prohibit?) See under general comments concern over use of “avoiding, remedying or mitigating other adverse effects”.	(1) & (3) Amend to allow for some adverse effects while providing for the sustainable use of Māori land.

PART 2 – RESOURCE MANAGEMENT OVERVIEW

SRMR - Significant resource management issues for the region

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
64 onwards	SRMR - general	Amend	<p>The purpose of the RPS (page 5) acknowledges solutions are required for entrenched legacy issues. As Otago's largest river, consideration should be given to identifying the damming of the Clutha River/Mata-Au as a regionally significant issue and legacy effect.</p> <p>In particular, damming has a significant impact on sediment delivery down river and to the coast. This may manifest as increased rates of erosion along the Otago coastline due to a loss of sediment supply. It is unclear if any draw-down operations are planned or have ever been considered or completed to mitigate these substantial effects. A number of technical reports on damming the Clutha River conclude the following:</p> <ul style="list-style-type: none"> • Damming of the Clutha River at Roxburgh in 1956 and Clyde in 1992 has reduced the amount of material reaching the coast by as much as 95% (Hicks et al. 2000). • Damming of the Clutha River has drastically reduced sediment input. • Most authors studying this stretch of coast have recognised the importance of the Clutha River in delivering material to the coast, some 	<p>Amend to identify damming of the Clutha River/Mata-Au as a regionally significant issue and legacy effect.</p> <p>Amend to include relevant objectives and policies to address this issue.</p>

			noting its influence extends well to the north of the Otago Peninsula. It is noted this issue impacts both river and coastal processes.	
65	SRMR-I1 – Natural hazards pose a risk to many Otago communities - statement	Amend	The statement as drafted does not encompass all the issues outlined in the context section.	Amend wording in statement to align with all issues in the rest of this section.
66	SRMR -I1 – Natural hazards pose a risk to many Otago communities - impact snapshot	Amend	As drafted, general impacts of natural hazards are described. As key Otago risk areas are identified in the context section, it would be helpful to describe impacts in terms of the most likely impacted communities/areas.	Amend to clearly identify the communities/areas most likely to be impacted.
74	SRMR-I4 – Poorly managed urban and residential growth affects productive land, treasured natural assets, infrastructure and community well-being – Impact snapshot (social)	Amend	There are also safety issues in urban areas, for vulnerable users, and on local roads (rural or urban). The social costs of serious injuries also needs to be recognised.	Amend to refer to deaths and serious injuries on the transport network.
74	SRMR-I5 – Freshwater demand exceeds capacity in some places - Context	Amend	The reference to deemed permits in the context section is supported, however it is not identified as an issue throughout SRMR-I5 and there is no clear identification where this is a key problem in Otago. The Taieri FMU may be the most impacted. High demand may be less of an issue in Queenstown or other areas with access to large lakes or the Clutha River/Mata-Au. Therefore, the impacts may primarily be in Central Otago, but also in Dunedin City as a substantial portion of the city supply is sourced from the Taieri catchment.	Amend to clearly identify where 'deemed permits' are a key problem in Otago.
83	SRMR-I10 - Economic and domestic activities in Otago use natural resources but do not always properly account for the environmental	Amend	"Water abstraction and wastewater and stormwater discharges adversely affect the natural environment, cultural and amenity values, and recreation."	Amend to the following (or similar): "Water abstraction and wastewater and stormwater discharges <u>can</u> adversely affect the natural

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	stresses or the future impacts they cause - Statement		These activities also make essential contributions to community well-being. Among other things, stormwater and wastewater networks serve the important functions of flood protection and safeguarding public health and safety. These activities can be managed in a way that ensures any adverse effects that do result are no more than minor.	environment, cultural and amenity values, and recreation <u>if not well managed.</u> "
87/88	RMIA-WAI-15 - Poor integration of water management, across agencies and across a catchment, hinders effective and holistic freshwater management	Amend	Other matters raised in this submission may result in consequential changes to the description of this issue.	Amend for consistency with other requested changes in this submission.
92	RMIA-AA – Air and atmosphere	Amend	Other matters raised in this submission may result in consequential changes to the description of this issue.	Amend for consistency with other requested changes in this submission.

IM – Integrated Management

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
96	IM-O1 – Long term vision	Support	The DCC supports this objective.	Retain intent of objective but make any wording improvements to improve clarity. Consider putting more emphasis on outcomes to be achieved in terms of the well-being of people, so that there are clear environmental bottom-lines and human bottom-lines (ability to have access to housing and work).

96	IM-02 – Ki uta ki tai IM-03 – Environmentally sustainable impact	Support	DCC supports these objectives and associated outcomes.	Retain these objectives as notified.
96	IM-04 – Climate Change	Amend	The DCC has adopted a 'Zero Carbon 2030' target, 20 years more ambitious than the Government's target on all long-lived gases. It is unclear how the 2030 target for all the communities in Otago to have a clear strategy would align with the DCC's goal to achieve net carbon zero by 2030.	Amend to also include reference to local or regional level targets.
96	IM-P1 – Integrated approach	Amend	<p>This policy is unclear and does not provide clear direction in a way that can help plan makers understand what might be required in a lower order planning document or in a decision on a significant consent application that might refer back to the RPS.</p> <p>The policy is not worded as a policy.</p> <p>It is not clear what the 'environmental constraints of this RPS' are.</p> <p>Some policies seem at odds with each other (discussed further in the general comments section), and we query how this policy might be successfully implemented.</p> <p>In a practical sense these policies are not helpful for evaluating whether a proposal (plan change or significant resource consent) gives effect to the RPS.</p>	<p>Where there are clear conflicts between RPS requirements amend so that there is clear guidance within the policy wording on how these should be managed (see general comments). For example:</p> <p>In giving effect to this RPS, decision-makers should consider:</p> <ol style="list-style-type: none"> (1) All provisions relevant to the issue or decision, (2) if multiple provisions are relevant, consider the provisions together and apply relatively weight to them according to the terms in which they are expressed, and (3) notwithstanding the above, all provisions must be interpreted and applied to achieve the integrated management objectives IM-01 to IM-04. <p>However, with additional guidance on weighting here it is essential that the weight of policy language is carefully considered and the comments from the DCC with respect to policy wording should be considered.</p>

97	IM-P2 – Decision Priorities	Amend	<p>This policy as drafted is unclear how ‘long-term life-supporting capacity and mauri of the natural environment’ or priorities (1)-(3) might be weighed up in most situations where conflicts arise. E.g. In considering a proposal to rezone a site from rural use to a residential use, how will the competing objectives for the protection of soil and providing for housing be weighed up.</p> <p>How is this hierarchy of decision priorities intended to align with Part 2 of the RMA which not only covers the matters in (2) and (3) but several other matters as well?</p>	<p>Amend or add a new policy to reflect Part 2 of the RMA, and clarify how ‘long-term life-supporting capacity and mauri of the natural environment’ will be considered when conflicts arise.</p> <p>Amend to instead of creating a hierarchy between the natural environment and people, which in reality will be hard to enforce if a decision could threaten people’s essential life needs being met (it could lead to people not having access to safe drinking water, housing, food or the ability of dispose of effluent safely), consider an approach which better reflects part 2 of the RMA which allows a focus on providing for human wellbeing but within environmental limits and in a way which maintains long-term life-supporting capacity and mauri of the natural environment.</p>
97	IM-P3 – Providing for mana whenua cultural values in achieving integrated management	Support	DCC supports this policy.	Retain Policy IM-P3 as notified.
97	IM-P4 – Setting a strategic approach to ecosystem health	Amend	<p>“(2) takes a long-term strategic approach that recognises changing environments...”</p> <p>Reference to RMIA-MKB-15 would acknowledge that a strategic approach to ecosystem health requires a partnership approach.</p> <p>It is unclear what is meant by the phrase ‘changing environments’ and defining this or adding further explanation would be beneficial.</p>	<p>Amend (2) to read: “takes a long-term strategic <u>partnership</u> approach that recognises changing environments, <u>recognising the issues addressed in RMIA-MKB-15 regarding different pieces of legislation for biodiversity management</u>”</p> <p>Clarify the meaning of ‘changing environments’.</p>
97	IM-P5 – Managing environmental interconnections	Support	DCC supports this policy.	Retain Policy IM-P5 as notified.

97	IM-P6 – Acting on best available information	Amend	Acting on best available information (including reliable partial data). When considering the most appropriate timing of decision-making processes there is a need to balance the advantages of more rapid decisions, which may rely on incomplete information, with any benefits that may be derived from having a more complete information set.	Add the following: <u>Determine whether delays in decision-making are unreasonable by balancing the advantages of more rapid decisions, which may rely on incomplete information, with any benefits that may be derived from having a more complete information set.</u>
98	IM-P7 – Cross boundary management	Support	DCC supports this policy.	Retain Policy IM-P7 as notified.
98	IM-P8 – Climate change impacts	Amend	Climate change impacts – anticipating those changes in resource management processes and decisions. The policy is onerous. Anticipating changes is aspirational but unclear and going beyond what should be included in the RPS, which is setting regional directives.	Amend IM-P8 to read as follows: 'Recognise and provide for <i>climate change</i> processes and <i>risks</i> by identifying <u>and considering <i>climate change</i></u> impacts in Otago, including impacts from a te ao Māori perspective, <u>assessing how the impacts are likely to change over time and anticipating those changes</u> in resource management processes and decisions.'
98	IM-P9 – Community response to climate change impacts	Support	DCC supports this policy.	Retain Policy IM-P9 as notified.
98	IM-P10 – Climate change adaptation and mitigation	Amend	The current text only covers climate change adaptation and perhaps should focus on this with more detail added about climate change mitigation in the next policy. It may not always be appropriate to minimise effects of climate change on existing activities as this may imply that those activities must be protected from climate change as asking them to relocate or change would be a significant effect on them.	"Identify and implement <i>climate change</i> adaptation methods for Otago that: (1) are the most appropriate response to protect people and property from the <i>effects</i> of <i>climate change</i> processes, or <i>risks</i> recognising that the most appropriate response may be relocate those activities away from areas of greater risk (2) prioritise avoiding the establishment of new activities in areas subject to <i>risk</i> from the <i>effects</i> of <i>climate change</i> ,

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				<p>unless those activities reduce, or are resilient to, those <i>risks</i>, and</p> <p>(3) provide Otago's communities, including Kāi Tahu, with the best chance to thrive, even under the most extreme <i>climate change</i> scenarios."</p>
98	IM-P11 – Enhancing environmental resilience to effects of climate change	Amend	DCC supports this policy in principle but believes more content about mitigation measures is required.	<p>Include more detail in this policy around ways to mitigate the effects of climate change for example:</p> <p><u>"Including by:</u></p> <p>(1) <u>Working towards minimisation of net greenhouse gas emissions in accordance with national level climate change responses</u></p> <p>(2) <u>offsetting of remnant emissions"</u></p>
98/99	IM-P12 – Contravening environmental bottom lines for climate change mitigation	Support	DCC supports this policy.	Retain Policy IM-P12 as notified.
99	IM-P13 – Managing cumulative effects	Amend	DCC supports this policy in principle but the need to manage cumulative effects needs to go beyond 'effects of activities on natural and physical resources'	<p>Amend to:</p> <p>Decision-makers and plans must consider and manage the potential cumulative of effects of activities where these may impact on:</p> <p>(1) Otago's environmental integrity, form, function, and <i>resilience</i>;</p> <p>(2) opportunities for future generations;</p> <p>(3) environmental bottom-lines, or</p> <p>the ability to provide for the health and well-being of communities.</p>
99	IM-P14 – Human impact	Support	DCC supports this policy.	Retain Policy IM-P14 as notified.

99	IM-P15 – Precautionary approach	Amend	Support in principle subject to other submission points on provisions for areas and values that are required to be identified in plans by this RPS. Also reconsider the phrasing ‘significantly adverse’ as this is unusual policy language.	Amend to clarify policy wording.
	All methods in IM			Make any consequential changes necessary to reflect changes requested to objectives and policies.
99	IM-M1 – Regional and district plans	Amend	While DCC supports the high-level aspirations and intent of IM-01 to 04 by nature they are ‘vague’ as objective touchstones therefore it would be difficult and arguably very subjective to determine if a policy framework would achieve them. It seems inappropriate to create a time framed requirement to review a plan to test whether it achieved them as this could be read based on the breadth and high level nature of these objectives to be a timeframe to have completed a full plan review where this could be debated.	Delete time-framed requirement to complete plans reviews in terms of these objectives in clause (1).
100	IM-M2 - Relationships	Amend	It is unclear what the expectation might be for ‘to ensure consistent implementation of the objectives, policies and methods of this RPS’. Plan changes are expensive and time-consuming and the ability to deliver them is constrained by the resources available. While consistency is certainly desirable where that consistency makes sense e.g. the context, issues, effectiveness of methods etc are the same, it should not be an ‘end in itself’.	Amend clause (2) to read: work together and with other agencies to ensure enable consistent implementation of the objectives, policies and methods of this RPS <u>where appropriate</u> , and
100	IM-M3 – Identification of climate change impacts and community guidance	Amend	To date, identification of climate change impacts and community guidance has been a collaborative process between the ORC and TLAs, and while it has been initiated by the ORC, the policy should reflect the collaborative approach.	Amend to read: “By 2025 <u>the Otago Regional Council and Territorial Local Authorities</u> must:”
100	IM-M4 – Climate change response	Amend	<i>“By January 2027 local authorities (led by Otago Regional Council) must together, in partnership with</i>	Amend wording so that local authorities are ‘coordinated’ by ORC instead of ‘led’ or

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			<p><i>Kāi Tahu and in consultation with Otago's communities, develop climate change responses for the region..."</i></p> <p>DCC and ORC have not yet established parameters of partnership as it pertains to Dunedin City, and South Dunedin climate change responses, nor is there a legislative mandate for ORC to lead climate change responses for the region.</p>	remove 'led by Otago Regional Council' entirely.
101	IM-M5(1) – Other methods	Amend	Requirement to align all strategies and management plans to contribute to long-term vision for Otago at next plan review or by December 2030 (whichever is sooner).	<p>Amend to 'full plan review' and remove the date of 2030. The DCC do not consider it would be efficient to instigate another full plan review (given that we are still finalising the 2GP) until after any changes to the RM system are made. Therefore, we ask that any provisions in the RPS that might trigger the need for a full plan review be removed. As stated in our submission on IM-M1 DCC do not support any methods that require a plan review to look across the objectives in this section as they are too high level, broad and arguably subjective. Instead they should act as broad 'touchstones' to consider in any plan change process.</p> <p>Delete (2) or amend so it is clear what this requirement means, and that the requirement is reasonable.</p> <p>Clarify what aspects of (3) (4) are envisaged in terms of resource management and the roles and responsibilities of local authorities under the RMA.</p>
101	IM-E1 - Explanation	Amend	Consequential changes to the explanation may be needed as a result of the relief sought elsewhere in this section.	Make any consequential changes necessary to address any submissions on this section.

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PART 3 – DOMAINS AND TOPICS

DOMAINS

AIR – Air

RPS Page Number	The specific provisions of the proposal that my submission relates to are:	I support or oppose the specific provisions or wish to have them amended	The reasons for my view are:	I seek the following decision from the local authority:
103	AIR-O1 – Ambient air quality	Support	DCC supports this objective.	Retain Objective AIR-O1 as notified.
103-107	AIR-O2 – Discharges to air AIR-P3 – Providing for discharges to air AIR-P4 – Avoiding certain discharges AIR-P5 – Managing certain discharges AIR-P6 – Impacts on mana whenua values AIR-M2(1) – Regional plans AIR-E1 - Explanations AIR-PR1 – Principal reasons	Amend	It is unclear how policies AIR-P3 to AIR-P6 will work together to “allow”, “manage”, and “avoid” discharges to air. There may be potential for conflict between these policies. See general comments about the use of the word avoid. The policies that use avoid are too onerous as they do not provide for activities that may have effects that are minimised as far practicable and where those activities may be important or necessary to provide for people’s health and well-being. Currently discharge of contaminants to air are generally permitted where there are no effects beyond the boundary. This provision as drafted suggests no consent option will be provided and anything not permitted will be prohibited. The ability to manage odour is also constrained by the size of any given site, and the distance to the boundary. It is necessary to retain a consenting option for these discharges, as issues beyond the boundary may still occur despite use of the best	For policies AIR-P4 and AIR-P6 amend to “avoid <u>or minimise as far as practicable</u> ” and add guidance <u>to policies ‘AIR-P3, AIR-P4 and AIR-P6</u> around activities that may be important to provide, e.g. infrastructure. Provide an explanation as to why this approach (if it is continued to be pursued) is considered necessary, along with high level guidance as to suitable alternatives/approaches that would be promoted. Reword or add new policies to ensure they do not conflict with each other. Provide clarity as to how the policies will work without conflicting with each other. Consider changes to address introductory comments about policy drafting, in particular make sure policies are drafted in a way that is clear as to the expectations of content of lower order plans needing to give effect to them and that direction reflects the entirety

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			<p>practicable option to manage contaminants e.g. from wastewater treatment plants.</p> <p>The explanation revolves around addressing solid fuel burning; there needs to be acknowledgement there are other types of air discharges. No explanation is provided (in AIR-E1 or AIR-PR1) as to why this prohibition has been proposed, and alternatives to those discharges for any currently consented activities.</p>	<p>of the objectives in the RPS, e.g. do not use directive language that might be contrary to other RPS objectives.</p>
103	AIR-P1 – Maintain good ambient air quality	Support	DCC supports this policy.	Retain Policy AIR-P1 as notified.
103	AIR-P2 – Improve poor ambient air quality	Support in part.	Please see comments on method AIR-M3. The spatial distribution of activities and associated transport is best directed at the Future Development Strategy required under the RPS rather than district plans.	See comments on method AIR-M3.
105	AIR-M3 – Territorial authorities	Amend	<p><i>No later than 31 December 2029, territorial authorities must prepare or amend and maintain their district plans to include provisions that direct an urban form that assists in achieving good air quality by:</i></p> <p>(1) <i>reducing reliance on private motor vehicles and enabling the adoption of active transport, shared transport and public transport options to assist in achieving good air quality, and</i></p> <p>(2) <i>managing the spatial distribution of activities.</i></p> <p>The range of methods identified is incomplete and requires further consideration. Not all motor vehicles have an impact on air quality; electric vehicles have none. In addition, the method is focussed on TAs however the regional council determines public transport routes and therefore</p>	<p>Territorial authorities in preparing their FDS (Future Development Strategy under the NPS-UD) must consider an urban form that assists in achieving good air quality by:</p> <p>(1) reducing reliance on private motor vehicles (except electric vehicles) and enabling the adoption of <i>active transport, shared transport and public transport options to assist in achieving good air quality, and</i></p> <p>(2) <i>managing the spatial distribution of activities.</i></p> <p>Rather than focus on the district plan it would be better to focus the method on the FDS e.g.:</p>

			transport planning should be considered in an integrated way.	<p>The FDSs in Otago need to consider how the spatial distribution of activities needs to be planned in an integrated way with the provision of public transportation opportunities to reduce the percentage of the community that are car-dependent for most trips.</p> <p>Ensure implementation includes both land use planning and public transportation planning elements.</p>
105	AIR-M5 – Incentives and other mechanisms	Amend	<p>(5) <i>measures to encourage the use of active transport, shared transport and public transport over the use of private motor vehicles, and</i></p> <p>This method does not promote the use of electric or ultra-low emissions vehicles.</p>	<p>Amend to add encouragement and/or incentives to encourage take up of electric and other ultra-low emissions motor vehicles (including buses and heavy vehicles).</p> <p>Amend to add methods to encourage public transportation uptake (pricing, convenience incentives).</p>

CE - Coastal environment

RPS Page Number	The specific provisions of the proposal that my submission relates to are:	I support or oppose the specific provisions or wish to have them amended	The reasons for my view are:	I seek the following decision from the local authority:
108-113	CE-O1 to CE-P13 – Coastal environment objectives and policies	Amend	<p>These objectives and policies give effect to the NZCPS and sometimes repeat the same wording as the NZCPS.</p> <p>To minimise submissions requesting wording changes that would not align with NZCPS and to aid readers, it would be helpful to add cross-references/footnotes where necessary to show</p>	Amend to add cross-references/footnotes where necessary to show when a policy in the RPS is based on a policy in the NZCPS.

			when a policy is based on a policy in the NZCPS – e.g. RPS CE-P4 and NZCPS policy 13	
108	CE-01 – Safeguarding the coastal environment	Support	The DCC supports this objective.	Retain Objective CE-01 as notified.
108	CE-02 - Maintaining or enhancing highly valued areas of the coastal environment	Support	The DCC supports this objective.	Retain Objective CE-02 as notified.
108	CE-03 - Natural character, features and landscapes	Amend	Amend wording to better describe the outcome sought, where the coastal environment is protected from “adverse effects” rather than “inappropriate activities” to align with policy wording	Amend to replace “inappropriate activities” with “adverse effects”, to better align with Policy CE-P6.
108	CE-04 – Kāi Tahu associations with Otago’s coastal environment	Support	The DCC supports this objective.	Retain Objective CE-04 as notified.
108	CE-05 – Activities in the coastal environment	Amend	Activities in the coastal environment - “(2) are of a scale, density and design <i>compatible</i> with their location, and ...” In order to retain natural character, hazard management value of landforms and so on, then this statement seems too general.	Amend to add detail around what matters/activities should be avoided, protected or even enhanced. Amend by adding “(5) activities as they relate to managed retreat and a reduction in risk are enabled...” -
109	CE-P1 - Links with other chapters	Support in principle	Support in principle the approach.	Retain a policy of this type and consider whether expanding this policy to recognise other relevant links to other sections (e.g. perhaps the ECO and INF sections), and/or adding similar policies to other sections, would aid interpretation.
109	CE-P2 - Identification	Amend	Consider alignment with the NZCPS and support the avoidance of physical/ engineered interventions.	Amend by adding: “(7) Opportunities for the enhancement of coastal areas and landforms, to encourage the restoration natural functioning and/or mitigation of natural hazards”

				<u>“(8) Areas and activities that might be to the detriment of long-term climate change adaptation”.</u>
110	CE-P3 – Coastal water quality	Amend	The DCC supports this policy in principle but see general comments on policy-drafting in the first section of this submission.	Amend drafting in line with general comments on policy-drafting above, including by reviewing use of future perfect tense.
110/114	CE-P4 – Natural character and related method CE-M2 – Identifying other areas	Amend	<p>See general comments about use of the word ‘avoid’.</p> <p>There may be some situations where effects cannot be avoided because the activity needs to be provided for in a coastal location – this needs to be more clearly articulated in an ‘avoid ... unless’ type policy.</p> <p>CE-M2:</p> <p>“Local authorities must work collaboratively together to ... identify [the] capacity [of areas of high and outstanding natural character and areas of outstanding natural features, landscapes and seascapes in the coastal environment] to accommodate change through land use or development”</p> <p>What the bolded wording means, in terms of lower order plan provisions to implement, it is unclear.</p>	<p>Amend to reflect general comments re use of the word ‘avoid’.</p> <p>Clarify meaning in relation to “identify capacity...”.</p>
110	CE-P5 – Coastal indigenous biodiversity	Amend	This policy is a duplication of NZCPS Policy 11, with added reference to the need to ‘identify’, as well as ‘protect’, listed aspects of indigenous biodiversity. See general comments above with regard to “Scope of content and change from recent partially operative RPS”.	Either delete Policy CE-P5 Coastal indigenous biodiversity or reference NZCPS Policy 11.
111	CE-P6 – Natural features, landscapes and seascapes	Amend	This policy applies to natural features and landscapes in the coastal environment, and thus overlaps with policies NFL-P2 and NFL-P3, which	Amend CE-P1 to clarify that CE-P6 overrides NFL-P2 and P3 in the coastal environment.

			apply to natural features and landscapes throughout the region. In the NFL section, Policy NFL-P6 clarifies that “natural features and landscapes... in the coastal environment are managed by CE-P6”, which is helpful, but it would also be helpful to have this clarification in section CE – perhaps in CE-P1.	Review use of unqualified “avoid”, and use of “avoiding, remedying or mitigating other adverse effects...”, in line with general comments on policy drafting in first section of this submission.
112	CE-P7 – Surf breaks	Amend	NZCPS policy 16 applies to surf breaks of national significance, and these are identified in NZCPS schedule 1. How are ‘surf breaks of regional significance’ to be defined?	Amend to clarify meaning/location of ‘surf breaks of regional significance’. Consider whether a policy for ‘surf breaks of regional significance’ is necessary.
112	CE-P8 – Public access	Amend	See general comments above regarding “Scope of content and change from recent partially operative RPS”. It is noted that the content of this policy is covered by Policy 19 of NZCPS.	Either delete Policy CE-P8 Public Access or reference NZCPS Policy 19.
112	CE-P9 – Activities on land within the coastal environment	Amend	<p>Issue 1: This policy is difficult to understand as it is not clearly worded. It is unclear how a plan change or significant resource consent would give effect to it. It is not clear how this policy achieves the objectives in this section.</p> <p>For clarity examples of sprawling and sporadic patterns are needed, as is scenario testing of what would meet or not meet this policy. For example: would this policy, together with CE-P10, allow for things like the Peninsula Connections project?</p> <p>It is unclear why is it necessary to separately analyse demand and capacity just for the coastal environment (this does not align with the NPS-UD).</p> <p>It is difficult to understand the relationship between assessing change on the character of the built environment and what meets the definition of the coastal environment.</p>	<p>Amend to address concerns.</p> <p>In relation to issue 2, this includes amending the policy to recognise:</p> <ul style="list-style-type: none"> • Hazard risk and effects of climate change <p>Amend to reflect the possibility that activities near the coast may be located in areas of known hazard risk or could restrict future climate change adaptation activities (e.g. managed retreat).</p> <p>Amend to reflect the possibility that some activities may be climate adaptive, and cognisant of the changing hazard profile, or may be intended to mitigate the effects of climate change.</p>

			<p>Issue 2: This policy would benefit from reference to hazard risks, effects of climate change, and adaptation to climate change.</p> <p>Currently it is hard to see how anticipated result CE-AER6 is being strongly reflected in the methods.</p>	
112	CE-P9 (3) - Activities on land within the coastal environment	Support	Support inclusion of CE-P9 (3) to recognise the importance of the provision of infrastructure in the coastal environment.	Retain Policy CE-P9(3) as notified.
112/113	CE-P10 – Activities within the coastal marine area	Support	The DCC supports this policy.	Retain Policy CE-P10 as notified.
113	CE-P11 - Aquaculture	Amend	Considerations about appropriate locations for the development and operation of aquaculture should include existing activities such as stormwater and wastewater discharges.	Amend by including a clause (4) that states: <u>“the potential impacts of existing activities, including stormwater and wastewater discharges, on the development and operation of aquaculture activities.”</u> .
113	CE-P12 – Reclamation	Amend	See general comments above regarding “Scope of content and change from recent partially operative RPS”. It is noted that the content of this policy is covered by Policy 10 of NZCPS.	Either delete Policy CE-P7 Coastal indigenous biodiversity or reference NZCPS Policy 10.
114	CE-M2 – Identifying other areas	Amend	See relevant comment at CE-P4 above.	See above.
114	Table 2: Areas likely to contain significant values	Amend	Correct the spelling of Purakanui Inlet.	Purakaunui.
115	CE-M3(4)(a) – Regional plans	Amend	“Small <i>mixing zones</i> ” is imprecise.	Amend as follows: 4(a) <u>“only enabling the use of small minimising the mixing zones as far as practicable, where beneficial, before the water quality standards need to be met in the receiving environment and minimising adverse effects on the life-support capacity of water within any mixing zone”</u> .
115	CE-M3(4)(b) and (c) – Regional plans	Amend	In particular situations, such as during extreme wet weather events or when a system fault (breakdown, breakage or blockage) has occurred, discharges of	Amend as follows:

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			<p>treated and/or untreated wastewater from the network and/or wastewater treatment plants to freshwater and/or the coastal environment can occur. Therefore, the provisions for managing these events should be the similar for both freshwater and the coastal environment.</p> <p>As currently drafted, CE-M3 takes a prohibitive approach to untreated wastewater discharges, whereas LF-FW-M6 (which refers to LF-FW-P15) allows wet weather and dry weather wastewater overflows subject to certain management methods.</p> <p>The approach set out in the freshwater method and policy is preferred because it acknowledges and provides for management of these events, rather than prohibition.</p>	<p>For 4(b) amend to make consistent with the approach to managing wastewater overflows set out in LF-FW-M6 / LF-FW-P15(2)(c).</p> <p>For 4(c) amend to make consistent with the approach to managing wastewater discharges set out in LF-FW-M6 / LF-FW-P15(1).</p>
115	CE-M3(4)(e) – Regional plans	Amend	<p>“(4)(e) avoid cross-contamination between <i>sewage</i> and <i>stormwater</i> systems where new systems are proposed and remedy cross-contamination where they currently exist in established systems,”</p> <p>It is unclear if “Avoid cross-contaminations between sewage and stormwater systems” refers to:</p> <ul style="list-style-type: none"> • combined wastewater and stormwater systems; or • deliberately constructed wastewater overflows; or • illegal connections of private wastewater drainage pipes into the stormwater network; or • unauthorised connections of private stormwater drainage into the wastewater network; or • a combination of the above. 	<p>Amend to clarify the meaning of “cross-contaminations between sewage and stormwater systems”, and to provide guidance on the approach that might apply to established systems.</p>

116	CE-M4 – District plans	Amend	<p>With regard to clauses (1), (2) and (3), please clarify if the expectation is that a single set of provisions be applied to the coastal environment. At the moment different sets of provisions apply depending on the degree to which natural coastal character values exist, and in relation to coastal hazards.</p> <p>In addition, the practicality of controlling the location and scale of “vegetation planting” in the coastal environment is questioned. The Dunedin 2GP controls vegetation clearance near the coast, and consent is required for forestry, and sometimes for shelterbelts and small woodlots, in natural coastal character overlay zones. There is no controlling of other vegetation planting in the coastal environment – other controls would be difficult to enforce and may be perceived as overly restrictive by the community.</p> <p>With regard to clause (7), council can provide for walking access to the CMA, but this would generally be done via methods other than the District Plan. CE-M5 clause (2) provides for this approach.</p> <p>With regard to clause (8), the council can control vehicle access to the CMA, but this would generally be done via methods other than the District Plan.</p>	<p>Clarify whether clauses (1)-(3) are expected to be in a single set of provisions that apply to the coastal environment.</p> <p>Delete clause (7).</p> <p>Delete clause (8).</p>
119	CE-PR1 – Principal reasons	Amend	<p>“A number of activities occur within or affect the coastal environment including urban development, recreational activities, transport infrastructure, port activities, energy generation and transmission, food production and other farming activities, <i>plantation forestry</i>, rural industry and <i>mineral</i> extraction.”</p> <p>“The <i>coastal waters</i> are a <i>receiving environment</i> for <i>freshwater</i>, gravels, sediment and <i>contaminants</i> from the terrestrial landscape - of particular concern are the significant <i>discharges</i> of sediments, transported by <i>rivers</i> and waterways, that have a</p>	<p>Amend by adding “disposal of wastewater and stormwater” to the list of activities going to the receiving environment included in the second paragraph.</p> <p>Amend by referencing the lack of sediments coming down the Clutha River/Mata-Au, which would otherwise feed coastal Otago processes, as a matter of particular concern.</p>

			<p>smothering effect on the benthic systems of the coastal area, including the important kelp beds.”</p> <p>Coastal waters are also a receiving environment for disposal of wastewater and stormwater, and this should be recognised here.</p> <p>An additional matter of particular concern is the lack of sediments coming down the Clutha River/Mata-Au, which would otherwise feed coastal Otago processes, and this should also be recognised in this paragraph.</p>	
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LF – Land and freshwater

LF-WAI – Te Mana o te Wai

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
121-124	LF-WAI – Te Mana o te Wai	Support and Amend	The DCC supports the introduction of Te Mana o Te Wai as a national framework for managing water through both the NPS-FM 2020 and the broader resource management system, and through the Water Services Bill. The DCC acknowledges local understandings of Te Mana o te Wai will continue to evolve through greater involvement of mana whenua in water management and supports the ORC-Kāi Tahu partnership approach articulated in LF-WAI-M1. The DCC is working to strengthen its partnership with mana whenua on water management and would welcome opportunities to work together with ORC as part of this.	Consider amending the proposed RPS to align the Coastal Environment chapter more closely with the LF-WAI section if/where appropriate. The DCC submits that the aspects of LF-WAI that are relevant to the coastal environment / coastal waters should be clearly articulated in the Coastal Environment chapter to provide clarity.

			<p>The DCC notes that the LF-WAI section of the proposed RPS includes references to coastal waters (at LF-WAI-P3) and the New Zealand Coastal Policy Statement (at LF-WAI-PR1). The DCC recognises the interconnectedness of land use and all waters (including both fresh and coastal).</p> <p>Stormwater and wastewater service providers often consider infrastructure and activity options that could impact either fresh water, coastal water, or both. Service providers need to understand how to apply Te Mana o te Wai, including the hierarchy of obligations set out in the NPS-FM 2020 and LF-WAI-P1 of this RPS, when making decisions on options.</p>	
121	LF-WAI-O1 – Te Mana o te Wai	Support	The DCC supports this objective.	Retain Objective LF-WAI-O1 as notified.
121	LF-WAI-P1 - Prioritisation	Support in principle	The DCC notes the objective does not reflect the tension between development and impacts on water bodies, and what happens when the priorities are in conflict with each other.	Consider providing clarification or adding a new policy on the priorities when there is conflict between them e.g. housing development and water needed for drinking water with potential effects on the health and well-being of a water body.
121/122	LF-WAI-P2 – Mana whakahere	Support	The DCC supports this policy.	Retain Policy LF-WAI-P2 as notified.
122	LF-WAI-P3 – Integrated management/ki uta ki tai	Support in principle	(4) There may be necessary development e.g. for housing, that makes it difficult to maintain the health and well-being of fresh water and coastal water.	Provide clarification on situations where it may be acceptable for the health and well-being of fresh water or coastal water not to be maintained.
122	LF-WAI-P4 – Giving effect to Te Mana o te Wai	Support in principle	Subject to the other DCC submission points on the related objective and policies.	See other submission points on this topic which might require consequential changes to this provision.

LF-VM – Visions and management

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
124/125	LF-VM-02 – Clutha Mata-au FMU vision	Amend	The vision does not recognise sediment processes currently being obstructed by large dams.	Amend to include material about mitigation of sediment processes currently being obstructed by large dams.
125	LF-VM-03 – North Otago FMU	Support in principle	The DCC supports this objective in principle but please note the comments on LF-VM-04 which also apply.	The DCC looks forward to working with the ORC to develop a policy and rule framework to give effect to this vision through the new Land and Water Regional Plan.
125	LF-VM-04 – Taieri FMU vision	Amend	<p>DCC supports the restoration of healthy wetlands but considers that modification of some waterbodies might be necessary for drainage purposes and the well-being of communities.</p> <p>Wetlands that have been engineered and significantly enhanced can be employed to treat stormwater and wastewater.</p> <p>Work can be required in these wetlands for public flood control or drainage and it is essential that maintenance works are provided for to ensure the appropriate functioning of these areas for stormwater and flood management. Minor modifications such as erosion protection work, or the installation of culverts might also be necessary.</p> <p>For (7), the DCC submits that in specific situations such as extreme wet weather events or when a system fault (breakdown, breakage or blockage) has occurred, discharges of treated and/or untreated wastewater from the network and/or wastewater</p>	<p>The DCC looks forward to working with the ORC to develop a policy and rule framework to give effect to this vision through the new Land and Water Regional Plan.</p> <p>Amend or provide new policy to address the concerns raised.</p>

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			treatment plants to waterbodies can occur. In some cases, the provision of a wastewater overflow may be the best practicable option with minimal environmental effects. Total elimination of overflows is unlikely to be possible in most wastewater systems.	
126	LF-VM-05 – Dunedin & Coast FMU vision	Amend	There needs to be a clear vision for Dunedin’s urban waterways – in particular the Kaikorai, Leith, Tomahawk Lagoon and Silverstream – in terms of water quality, access, and also the value placed upon them by the community.	Amend the vision, along with the means and timeframes of attaining the vision given some specific catchment challenges, for the Dunedin & Coast FMU to address issues raised.
126	LF-VM-05(3) – Dunedin & Coast FMU vision	Amend	“healthy estuaries, lagoons and <i>coastal waters</i> support thriving mahika kai and downstream coastal ecosystems, and indigenous species can migrate easily and as naturally as possible to and from these areas”. DCC questions whether the land and freshwater chapter is the most appropriate place for this coastal focussed objective and considers this objective and objectives in the Coastal Environment chapter should be amended to address the link between the two.	Amend this objective and the objectives in the Coastal environment chapter to address issues raised. Amend policy CE-P1 – Links with other chapters, to include reference to the land and freshwater chapter.
126	LF-VM-05(4) – Dunedin & Coast FMU vision	Amend	“there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever possible” The DCC submits that the reference to ‘modification’ in this objective statement could hinder the effectiveness of the objective and should be removed. It appears to assume that modification can only result in a reduction of the natural form and function of a water body. In some instances, further modification of an already heavily modified water body (e.g. the	Amend as follows: “ there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever possible”. Alternatively, amend the first part of (4) with wording that aligns with clause 3.24(1) of the NPS-FM 2020, which refers to the loss of river extent and values.

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			<p>concrete-lined sections of the Leith) could provide an opportunity to restore (or partially restore) natural form and function.</p> <p>In addition, DCC has challenges with watercourse management within the stormwater network.</p> <p>In some circumstances, modification of the shape and behaviour of some water bodies might be necessary for the purposes of providing a stormwater drainage system that supports the well-being of communities. This could include minor modifications such as erosion protection work or the installation of culverts.</p>	
126	LF-VM-05(5) – Dunedin & Coast FMU vision	Amend	<p>“discharges of <i>contaminants</i> from urban environments are reduced so that <i>water bodies</i> are safe for human contact.”</p> <p>The DCC submits that a whole-of-catchment approach is required to meet objectives about water quality for human contact. Many water bodies adjacent to urban areas that may be used for human contact have catchments that traverse rural and urban environments. Discharges of contaminants from both rural and urban environments in the catchment need management to ensure water bodies are safe for human contact.</p>	<p>Amend to “discharges of <i>contaminants</i> from urban environments are reduced so that <i>water bodies</i> are safe for human contact.”</p>
126	LF-VM-07 - Integrated management	Support	The DCC supports this objective.	Retain Objective LF-VM-07 as notified.
127	LF-VM-P5 – <i>Freshwater Management Units (FMUs)</i> and rohe	Amend	<p>The FMU boundaries were set by ORC resolution and without consultation with the DCC.</p> <p>The DCC submits that consideration should be given to providing for a review of the FMU boundaries and/or establishment of additional rohe within existing FMUs.</p> <p>The DCC supports smaller, catchment-based FMUs, particularly in urban environments with the most</p>	<p>Amend to provide for review of the FMU boundaries and/or establishment of additional rohe – particularly for Dunedin City – to enable effective implementation of the National Objectives Framework.</p>

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			<p>impacted water quality. FMUs that are too large may not facilitate effective implementation of the National Objectives Framework, including for setting limits and establishing adequate and representative monitoring sites throughout the FMU.</p> <p>The DCC acknowledges that a catchment-based approach to FMUs would need to allow for breaking large catchments into smaller ones (for example, where a catchment forms a significant part of a region, such as the Taieri River in Otago), or grouping smaller catchments in some circumstances (for example, smaller coastal catchments not impacted by urban development).</p> <p>In particular, the DCC considers the Dunedin & Coast FMU, which includes the Tokomairiro River catchment to the south of Dunedin, would be more beneficial for determining and managing the impacts of urban activities and development if it was established on a catchment basis.</p>	
127-128	LF-VM-M3 – Community involvement	Amend	<p>Territorial authorities provide key infrastructure and planning services related to water that support community well-being. The DCC submits that the ORC should consult and work with territorial authorities to implement the implementation of the National Objectives Framework, including on FMUs, monitoring sites, values and outcomes, and the development of action plans.</p>	Amend by replacing ‘communities’ with ‘communities and territorial authorities’.

LF-FW - Fresh water

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
129	LF-FW-O8 – Fresh water	Support	The DCC supports this objective.	Retain Objective LF-FW-O8 as notified.
129	LF-FW-O9 – Natural wetlands	Support	The DCC supports this objective.	Retain Objective LF-FW-O9 as notified.
129	LF-FW-O10 – Natural character	Support	The DCC supports this objective.	Retain Objective LF-FW-O10 as notified.
129/130	LF-FW-P7 – Fresh water	Support	The DCC supports this policy.	Retain Policy LF-FW-P7 as notified.
130	LF-FW-P8 – Identifying natural wetlands	Support	The DCC supports this policy.	Retain Policy LF-FW-P8 as notified.
130/131	LF-FW-P9 - Protecting natural wetlands	Oppose	<p>The required content of this policy is set out in clause 3.22 of the NPS for Freshwater Management. However, this clause requires regional councils to include the policy in “its regional plan(s)”, rather than RPS.</p> <p>Does adding this policy to the RPS create a likelihood of future duplication, when the same policy is added to a regional plan?</p> <p>See general comments above about avoiding duplication, under the header “Scope of content and change from recent partially operative RPS”.</p>	Remove policy from RPS and rather include it in a regional plan.
131	LF-FW-P10 – Restoring natural wetlands	Support	The DCC supports this policy.	Retain Policy LF-FW-P10 as notified.
131	LF-FW-P11 – Identifying outstanding water bodies	Support	The DCC supports this policy.	Retain Policy LF-FW-P11 as notified.
131	LF-FW-P12 – Protecting outstanding water bodies	Support	The DCC supports this policy.	Retain Policy LF-FW-P12 as notified.
131/132	LF-PW-P13 – Preserving natural character	Support	The DCC supports this policy.	Retain Policy LF-PW-P13 as notified.

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132	LF-FW-P14 – Restoring natural character	Support	The DCC supports this policy.	Retain Policy LF-PW-P14 as notified.
132	LF-FW-P15(1) – Stormwater and wastewater discharges	Amend	The start of the policy refers to discharges to ‘fresh water’, but clause (1) refers to discharges to ‘water’. This risks confusion/uncertainty about the application of this policy.	Amend clause (1) to read “... preferring <i>discharges of wastewater to land over discharges to freshwater...</i> ”
132	LF-FW-P15 (2)(a) and (2) (b) – Stormwater and wastewater discharges	Amend	<p>In (2)(a) and (b) it is not clear what is meant by ‘available’.</p> <p>We submit that decisions about connection to wastewater and stormwater services should be made by the territorial authority with consideration of the particular situation.</p> <p>District plan zone boundaries help determine territorial authority decisions about what properties should be serviced by public stormwater and wastewater systems and therefore which properties can connect. The DCC prefers (and generally requires) development to connect to reticulated networks in ‘urban’ areas (e.g. residential, commercial and industrial zones), however, in some situations infrastructure may be uphill of a development and pumping would be required (whereas most of Dunedin’s drainage infrastructure works on gravity) or properties may not have services to the boundary. In some locations there is infrastructure that transports bulk stormwater or wastewater to another location. These ‘distribution mains’ can be located outside of DCC service area boundaries and are not generally available for individual connections. The Building Act and other legislation contains specifications about distances to wastewater services and when individual connection can be required.</p> <p>Requiring connections to reticulated systems is sometimes not practical for rural zoned land or</p>	<p>Either:</p> <ul style="list-style-type: none"> • Delete (2)(a) and (2)(b); or • Amend 2(a) and 2(b) as follows: “where one is <u>made</u> available <u>by the [wastewater / stormwater] system operator</u>”. This would ensure the territorial authority (and/or a future entity created by statute to operate wastewater and stormwater networks) can determine when and where connections to reticulated systems are practicable and beneficial. <p>If (2)(a) and (2)(b) are retained (with amendments), add definitions of:</p> <ul style="list-style-type: none"> • ‘reticulated system’, • ‘wastewater system operator’ and • ‘stormwater system operator’ <p>to provide greater clarity for implementation of this policy. The definitions of ‘wastewater network operator’ and ‘stormwater network operator’ provided in the Water Services Bill could provide guidance.</p>

			<p>some Township and Settlement or Large Lot Residential zones.</p> <p>A definition of 'reticulated system' for stormwater would aid interpretation of this policy. The DCC notes that stormwater is often discharged to privately owned piped or un-piped watercourses that then connect into a territorial authority's stormwater network (which includes both piped infrastructure and the roading network). Stormwater may travel between the private and public network before being discharged to the coast or freshwater. Would private watercourses, the roading network, stormwater detention and retention ponds, and water sensitive urban design features, for example, be considered part of a reticulated system for the purposes of this policy? If not all, which parts would?</p> <p>There are cases where discharge of stormwater to more natural parts of the stormwater network (rather than piped network) may be preferable or appropriate. If retention ponds, water sensitive urban design features, watercourses etc. were not considered part of the 'reticulation system', a requirement to discharge to the reticulated system would reduce the flexibility for alternative stormwater management that may be more appropriate or necessary in many locations to assist with the performance of the reticulated system and/or to reduce impacts on the environment.</p> <p>Consideration needs to be given to the implications of this policy for landowners that discharge straight to private natural watercourses.</p> <p>There are many areas where there is no reticulated stormwater system (depending on how this is defined) but where discharging to land as opposed</p>	
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			to freshwater or the coast could exacerbate flooding, instability and scouring etc.	
132	LF-FW-P15(2)(e) – Stormwater and wastewater discharges	Amend	“ <i>stormwater and wastewater discharges</i> to meet any applicable water quality standards set for <i>FMUs</i> and/or rohe”	Amend to: “ <i>stormwater and wastewater discharges</i> to meet any <u>applicable</u> water quality standards <u>applicable to those discharges</u> set for <i>FMUs</i> and/or rohe” to provide greater clarity.
133	LF-FW-P15(2)(f) – Stormwater and wastewater discharges	Support and Amend	The DCC supports the inclusion of objectives and/or policies in district plans that encourage the use of water sensitive urban design techniques. The inclusion of “wherever practicable” to the <u>requirement</u> for water sensitive urban design techniques is appreciated, however this will be subjective, and use of water sensitive urban design techniques may not always be beneficial. It may create difficulties as ‘one size does not fit all’ when it comes to stormwater management. Policies that require use of water sensitive urban design techniques may limit flexibility to assess appropriate stormwater management on a case-by-case basis. In some cases discharge straight to the reticulated network may be preferred, such as where there are land instability issues, where removing water from the site is the preferred approach, or where on-site retention is not beneficial or practicable due to the site’s location in the catchment.	Amend by moving to separate clause and replacing ‘requiring’ with ‘promoting’. Amend to “Wherever practicable <u>and beneficial</u> ” Amend to include a definition of ‘water sensitive urban design’ within the RPS to promote greater clarity.
133	LF-FW-M6(3) – Regional plans	Amend	LF-FW-M6(3) explicitly refers to over-allocation in terms of either water quality or quantity. ‘Over-allocation’ is a defined term in the RPS. The definition refers to both the quality and quantity of freshwater. Specifically referencing quality and quantity in LF-FW-M6(3), but not in other clauses that mention ‘over-allocation’, creates potential for confusion.	Amend LF-FW-M6(3) to: “identify <i>water bodies</i> that are <i>over-allocated</i> in terms of either their water quality or quantity. ”

133	LF-FW-M6(4)(f) – Regional plans	Support	DCC supports the inclusion of provision for community drinking water supplies. Defining 'community drinking water supply' in the RPS would aid interpretation of this method.	Retain Method LF-FW-M6(4)(f) as notified. Add a definition of 'community drinking water supply.'
133	LF-FW-M6(5)(a) – Regional plans	Amend	<p>Clause (5)(a) needs more clarity. Setting limits on resource use solely for drinking water (as defined in the RPS) separate from social and economic uses will be difficult to achieve, given that reticulated drinking water supplies are typically used for a wide range of purposes aside from human consumption.</p> <p>Uses of drinking water supplies in communities may include bathing and toileting, rural and stock purposes, irrigation, watering gardens, washing cars, fire-fighting, watering sports fields and parks, and water-intensive commercial and industrial processes. It is not financially or practically feasible to separate water supply solely for human consumption from water use for purposes that contribute to the social and economic well-being of a community in other ways.</p> <p>In terms of management during water-short periods, the DCC has a Drought Management Plan and discretionary outdoor uses followed by commercial uses are curtailed and water use for health and safety purposes is prioritised.</p>	Amend by replacing ' <i>drinking water</i> ' with 'community drinking water supply'.
134	LF-FW-M6(6) – Regional plans	Amend	A definition of 'off-stream storage of surface water' would provide clarity.	Amend by adding a definition of 'off-stream storage of surface water'.
134	LF-FW-M6(7) – District plans	Amend	Other matters raised in this submission may result in consequential changes to this method.	Amend for consistency with other requested changes in this submission.
134	LF-FW-M6(8) – Action plans	Amend	Other matters raised in this submission may result in consequential changes to this method.	Amend for consistency with other requested changes in this submission.

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134	LF-FW-M7 – District plans	Amend	<p><i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> no later than 31 December 2026 to:</p> <p>(3) require, where practicable, the adoption of water sensitive urban design techniques to avoid or mitigate the potential adverse <i>effects of contaminants</i> on receiving <i>water bodies</i> from the <i>subdivision, use</i> or development of <i>land</i> ...</p> <p>What is meant by require and in terms of what types of activities? DCC already have this linked to growth areas but not to every activity managed by the Plan. If this is a permitted activity standard on all development what would it look like (noting it would have to be assessable at the time of building consent).</p> <p>As there are a number of plan changes required to implement the national policy direction, this date may not be feasible.</p> <p>ORC need to consider the adverse effects of requiring on site storage of rainfall in all circumstances – in urban areas this will lead to loss of developable site area (if above ground), and increased cost of development, which needs to be balanced.</p>	<p>Amend by adding “where appropriate” to end of (4)(c).</p> <p>Amend (4)(d) to “control area of impermeable surfaces where necessary”.</p> <p>Amend the timeframe to provide flexibility for issues outside TA's control.</p>
134	LF-FW-M7(3) – District Plans	Support and Amend	<p>The DCC supports the inclusion of objectives and/or policies in district plans that encourage the adoption of water sensitive urban design techniques or that make them a consideration in stormwater management plans. The inclusion of “wherever practicable” to the <u>requirement</u> for adopting water sensitive urban design techniques is appreciated, however this will be subjective, and water sensitive urban design may not always be beneficial. It may create difficulties as ‘one size does not fit all’ when it comes to stormwater</p>	<p>Amend by replacing ‘require’ with ‘promote’.</p> <p>Amend to “Wherever practicable <u>and beneficial</u>”.</p> <p>Amend to include a definition of ‘water sensitive urban design’ within the RPS to promote greater clarity.</p>

			management. Policies that require adoption of water sensitive urban design may limit flexibility to assess appropriate stormwater management on a case-by-case basis. In some cases discharge straight to the reticulated network may be preferred, such as where there are land instability issues, where removing water from the site is the preferred approach, or where on-site retention is not practicable or beneficial due to the site's location in the catchment.	
134	LF-FW-M7(4) – District Plans	Amend	<p>The DCC supports reducing the adverse effects of stormwater discharges by managing the subdivision, use and development of land. However, the best way to reduce adverse impacts will vary from site to site, due to factors such as catchment topography and soil types. For this reason, district plans should provide flexibility to territorial authorities to determine the appropriate approach for each site. The objective is generally to ensure post-development flows are as close as possible to pre-development flows.</p> <p>The following provisions would restrict the flexibility required by territorial authorities:</p> <ul style="list-style-type: none"> • (4)(a) “minimise the peak volume of stormwater needing off-site disposal” (4)(c) “encourage on-site storage of rainfall to detain peak stormwater flows” 	<p>Amend (4)(a) to “minimise the load of contaminants carried by stormwater needing off-site disposal”.</p> <p>Amend by adding “where appropriate” to end of (4)(c).</p>
135	LF-FW-M9 - Monitoring	Amend	It is not clear what “regularly prepared reports” will mean.	Amend by quantifying ‘regularly prepare reports’ in clause (3).

LF-LS - Land and soil

RPS Page Number	The specific provisions of the proposal that my submission relates to are: (please enter the relevant objective, policy, method or other provision reference where possible. For example, AIR-01)	I support or oppose the specific provisions or wish to have them amended (please indicate support, oppose or amend)	The reasons for my view are:	I seek the following decision from the local authority: (Please be as clear as possible – for example, include any alternative wording for specific provision amendments.)
137	LF-LS-011 – Land and Soil The life-supporting capacity of Otago's soil resources is safeguarded and the availability and productive capacity of highly productive land for <i>primary production</i> is maintained now and for future generations.	Amend	Conversion of land to urban use cannot avoid loss of productive capacity of soil. Research shows that the level of soil fertility in plantations is unlikely to restore to the level in natural forests, implying that the replacement of natural forests by plantations may be a practice best avoided to maintain the ecosystem sustainability. It has more significant effects for the future use of soil resources for food growing.	Objective needs to be drafted in a way and/or connected with direction on how to balance with urban growth objectives in a way that provides for some loss of soil resource to support urban growth, where necessary, as it will be impossible to achieve zero loss and comply with the NPS-UD or achieve affordable housing. Need clarity on how the effects on soil productivity from conversion to pine plantations or other non-native forests fits into this objective.
137	LF-LS-012 – Use of land The use of <i>land</i> in Otago maintains soil quality and contributes to achieving <i>environmental outcomes</i> for <i>fresh water</i> .	Amend	Conversion of land to urban use cannot avoid impact on soil quality. Research shows that the level of soil fertility in plantations is unlikely to restore to the level in natural forests, implying that the replacement of natural forests by plantations may be a practice best avoided to maintain the ecosystem sustainability. It	Objective needs to be drafted in a way and/or connected with direction on how to balance with urban growth objectives in way that ensures that it provides for some loss of soil resource to support urban growth, where necessary, as it will be impossible to achieve zero loss and comply with the NPS-UD or achieve affordable housing.

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			has more significant effects for the future use of soil resources for food growing.	Need clarity on how the effects on soil productivity from conversion to pine plantations or other non-native forests fits into this objective.
137	<p>LF-LS P16 – Integrated management</p> <p>Recognise that maintaining soil quality requires the integrated management of land and freshwater resources including the interconnections between soil health, vegetative cover and water quality and quantity.</p>	Support generally	Agree with the statement around interconnections but it is primarily the other way around – managing soil is required to manage water quality.	Retain Policy LF-LS-P16 as notified.
137	<p>LF-LS-P17 – Soil values</p> <p>Maintain the mauri, health and productive potential of soils by managing the use and development of land in a way that is suited to the natural soil characteristics and that sustains healthy:</p> <p>(1) soil biological activity and biodiversity,</p> <p>(2) soil structure, and</p> <p>(3) soil fertility.</p>	Amend	<p>Conversion of land to urban use cannot avoid impact on soil quality.</p> <p>Research shows that the level of soil fertility in plantations is unlikely to restore to the level in natural forests, implying that the replacement of natural forests by plantations may be a practice best avoided to maintain the ecosystem sustainability. It has more significant effects for the future use of soil resources for food growing.</p>	<p>Amend drafting to balance policy with urban growth objectives in way that ensures that it provides for some (carefully considered) loss of soil resource or quality where necessary to achieving housing and other urban growth objectives as it will be impossible to achieve zero loss/effect and comply with the NPS-UD or achieve affordable housing.</p> <p>Need clarity on how the effects on soil productivity/quality from conversion to pine plantations or other non-native forests fits into this objective.</p> <p>Consider using a policy word other than maintain (which sounds like zero effects tolerance). For example: 'minimise to the</p>

				degree practicable, considering other objectives in the RPS, '.
137	LF-LS-P18 – Soil erosion	Support	The DCC supports this policy.	Retain Policy LF-LS-P18 as notified.
137/138	LF-LS-P19 - Highly productive land	Amend	1(a) – It is unclear which classes under the Land Use Capability classification system would apply.	Amend to specify which LUC classes apply.
138	LF-LS-P20 - Land use change	Amend	Amend to include mitigation of climate change alongside resilience to the impacts of climate change (adaptation)	Promote changes in land use or land management practices that improve: (1) the sustainability and efficiency of water use, (2) resilience to the impacts of climate change, (3) <u>mitigation of climate change through a reduction in net greenhouse gas emissions,</u> <u>or</u> (4) the health and quality of soil.
138	LF-LS-P21 – Land use and fresh water	Amend	<p>Clause (2) gives a very broad mandate to manage land uses that 'may' have adverse effects on the flow of water in surface water bodies. In theory this is any land use that creates any impervious surface or has earthworks which is all urban uses.</p> <p>The requirement to 'Achieve the improvement or maintenance of freshwater quantity or quality to meet environmental outcomes set for Freshwater Management Units and/or rohe' is a very high bar that is applied to a virtually all urban land uses.</p> <p>There is a question about how this would be implemented, if the ORC were to take a very strict literal interpretation of its objectives and policies, it would create too much uncertainty around what if</p>	<p>Amend to restrict the application of this policy to a more specific and narrower set of land use activities with a more realistic policy outcome threshold. For example:</p> <p><u>When considering appropriate areas to enable new urban growth or setting rules to manage land uses, consider how land uses may have adverse effects on the flow of water in surface water bodies or the recharge of groundwater, and ensure that management approaches will achieve the</u></p>

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			any urban land uses may be permissible under the RPS.	<u>environmental outcomes set for Freshwater Management Units and/or rohe.</u>
138	LF-LS-P22 – Public access		It is not clear how ‘necessary to protect’ is to be determined, is this in the opinion of the landowner or through some other process? There is a risk these criteria could be mis-used to restrict access, for example where these values are present and used as an excuse to restrict access for other reasons, where any risks to values from access are minimal or could be appropriately managed.	Clarify how ‘necessary to protect’ will be determined.
138/139	LF-LS-M11 – Regional plans	Neither support nor oppose	Clause (3) - Refer to concerns about policies mentioned and potential effect on content in the Land and Water Plan.	Note comments about consultation on the yet to be developed Regional Plan: Land and Water.
139	LF-LS-M12 – District plans	Amend	<p>See general comment on plan change dates and work programme.</p> <p>Amend to include a definition of ‘constructed wetland’.</p> <p>Amend (a) to recognise that the NES Plantation Forestry sets the regulations for plantation forestry activities.</p>	For clause (2) a definition of ‘constructed wetland’ would be helpful – e.g. does it mean or include ponds/wetlands created for stormwater management purposes? If so, the implications of consenting required for stormwater discharge and/or maintenance of constructed wetlands need to be considered.
139	LF-LS-M13 – Management of beds and riparian margins	Amend	Consequential changes to this method may be needed as a result of the relief sought elsewhere in this section.	Make any consequential changes necessary to address any submissions on this section.

TOPICS

ECO - Ecosystems and indigenous biodiversity

RPS Page Number	The specific provisions of the proposal that my submission relates to are:	I support or oppose the specific provisions or wish to have them amended	The reasons for my view are:	I seek the following decision from the local authority:
General comment	All relevant provisions under the ECO topic	Amend	If timelines allow, ensure that all provisions in the RPS are in accordance with NPS Indigenous Biodiversity (when gazetted).	Amend provisions as necessary so they are in accordance with NPS Indigenous Biodiversity (when gazetted).
142	ECO-O1 to O3	Amend	The DCC supports these objectives in principle.	Retain, with any amendments required to implement NPS Indigenous Biodiversity.
142	ECO-P1 – Kaitiakitaka	Amend	The DCC supports this policy in principle.	Retain, with any amendments required to implement NPS Indigenous Biodiversity.
142	ECO-P2 – Identifying significant natural areas and taoka	Amend	The DCC supports this policy in principle.	Retain, with any amendments required to implement NPS Indigenous Biodiversity.
143	ECO-P3 – Protecting significant natural areas and taoka	Amend	<p>The DCC generally supports what this policy is trying to achieve but has some concerns with the policy drafting, and with how this policy would work in practice.</p> <ol style="list-style-type: none"> ECO-M3 indicates that local authorities must work with manawhenua to identify, describe, map and describe the values of ecosystems that are taoka, but that manawhenua may choose not to identify taoka and may choose the level of detail re the description of the locations of taoka and their values. ECO-P3 requires adverse effects that result in reduction/loss of biodiversity that is taoka are avoided. This policy may not be able to be achieved, if taoka/their values are not identified. Given this, Policy ECO-P3 may be ultra vires, as it relates to values that are not identified; you can't 	<p>Retain, with:</p> <ul style="list-style-type: none"> any amendments required to implement NPS Indigenous Biodiversity definition of 'kai tahi values' in this context amendments to the policy to address issue regarding requirement to avoid effects on values that are not identified in plans – e.g. by providing an exemption from the policy in this case

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			<p>avoid an effect on something that you are not able to find out about.</p> <p>2. Clarification is needed over what is meant by 'kai tahu values' in the context of ECO-P3.1.b. From the construction of the policy, it seems that this term has a different meaning from the values associated with biodiversity that is taoka, but the meaning is not provided. Again, this may mean that this part of the policy is difficult to achieve – an effect needs to be clearly defined in order to be able to avoid it.</p>	<ul style="list-style-type: none"> amendments to address general comments on policy drafting set out in the first section of this submission
143	ECO-P4 – Provisions for new activities	Amend	<p>The DCC supports this policy in principle, noting that the activities listed mirror those set out in clause 3.9 of the draft NPSIB.</p> <p>Although we realise this wording is taken from the NPS, we query the use of the phrase “severe and immediate risk to public health or safety” in clause 5 of P4. What if it is a severe but not immediate risk – for example essential hazard mitigation work? We suggest amending to “severe or immediate”.</p>	<p>Retain, with:</p> <ul style="list-style-type: none"> any amendments required to implement NPS Indigenous Biodiversity amendment to clause 5 to “severe or immediate risk to public health or safety”, if in accordance with NPS amendments to address general comments on policy drafting set out in the first section of this submission
143	ECO-P5 – Existing activities in significant natural areas	Amend	<p>The DCC supports this policy in principle, noting that the activities listed mirror those set out in clause 3.12 of the draft NPSIB.</p>	<p>Retain, with any amendments required to implement NPS Indigenous Biodiversity.</p>
144	ECO-P6 – Maintaining indigenous biodiversity	Amend	<p>The DCC supports this policy in principle. Clauses 1 to 5 read as a good, clear interpretation of the “effects management hierarchy” definition in the draft NPS.</p> <p>However, we have concerns that reference to “applications for resource consent and notices of requirement” in the first line appears to mean that the policy should apply to all resource consent or notice of requirement processed under all plans – e.g. it would require an assessment of effects on biodiversity values for all resource consents required under Dunedin’s 2GP. Is this the intention of the policy? There are many cases where</p>	<p>Amend provision to:</p> <ul style="list-style-type: none"> make any amendments required to implement NPS Indigenous Biodiversity clarify what types of activity are intended to be assessed against this policy, and to amend the policy so that only activities that have the potential to have effects

			<p>it may be onerous to require such an assessment – for example for activities in urban areas or for relatively minor contraventions of performance standards.</p> <p>If the policy is intended to apply to all (or some) 2GP consent applications, is the intention that DCC should assess consents directly against this policy, or that we should undertake a plan change to incorporate the policy into the 2GP? ECO-M5, clause 4, does not make this clear.</p> <p>Also, the cross-referencing between this policy and ECO-P3 is currently not quite clear – P3 indicates that certain effects in SNAs etc are to be assessed against P6, but P6 excludes “areas managed under ECO-P3”.</p>	<p>on biodiversity values are required to be assessed against it</p> <ul style="list-style-type: none"> clarify how the policy is intended to be implemented (either via amendment to this policy or to ECO-M5) amend cross-referencing to clarify relationship between ECO-P3 and ECO-P6 (to address issue identified to the left) make amendments to address general comments on policy drafting set out in the first section of this submission
144	ECO-P7 – Coastal indigenous biodiversity	Amend	The DCC supports this policy in principle, although noting that we have raised concerns with the policy that it references (CE-P5) above.	<p>Retain, with:</p> <ul style="list-style-type: none"> any amendments required to implement NPS Indigenous Biodiversity any amendments required to address general comments on policy drafting set out in the first section of this submission any consequential amendments required due to changes to CE-P5
144	ECO-P8 – Enhancement	Amend	The DCC supports this policy in principle.	<p>Retain, with:</p> <ul style="list-style-type: none"> any amendments required to implement NPS Indigenous Biodiversity any amendments required to address general comments on policy drafting set out in the first section of this submission
144	ECO-P9 (1) – Wilding conifers	Amend	Threat of wilding conifers should be avoided next to potential SNAs, not just scheduled SNAs because the schedules are very	Amend the policy to manage wilding conifers within areas of indigenous

			<p>incomplete and unlikely to be complete for a decade or longer, especially if no timeframe is put on their completion (see comment on ECO-M2(5) Suggest adding in already protected areas (e.g. Public Conservation Land and QEII Covenants) into ECO-M2 (5) so buffer zones can be expediated for these areas where they are not in SNA schedules already.</p> <p>Note that in the 2GP, wilding pines and other potentially invasive species prone to spreading (e.g. sycamore, hawthorn, rowan) need consent if planted as part of forestry or shelterbelts/small woodlots anywhere in the city. Effects managed in include effects on landscape values and coastal character as well as on biodiversity.</p> <p>There is a policy about wilding conifers in outstanding/highly valued natural features, landscapes and seascapes (NFL-P6) but not in areas of natural coastal character – consider additional policy about this in CE section?</p>	<p>vegetation/habitat that are not identified as SNAs.</p> <p>Add a policy to the Coastal Environment section to manage the effects of wilding conifers on the natural character of the coast.</p> <p>Make any amendments required to implement NPS Indigenous Biodiversity or to address general comments on policy drafting set out in the first section of this submission.</p>
145/145	ECO-P10 – Integrated management	Amend	The DCC supports this policy in principle.	<p>Retain, with:</p> <ul style="list-style-type: none"> any amendments required to implement NPS Indigenous Biodiversity any amendments required to address general comments on policy drafting set out in the first section of this submission
145/146	ECO-M2 (5) – Identification of significant natural areas	Amend	<p>Include already protected areas (e.g. Public Conservation Land and QEII Covenants) to be identified and scheduled by 31 December 2025 (or preferably, earlier). These are easily identifiable, already mapped, and can generally be assessed against the criteria in APP2 from existing information (i.e. do not require new ecological survey). This will enable Councils to schedule more efficiently and set up buffer zones against wilding risk more quickly in light of the fast increase in exotic trees from carbon farming and the enabling provisions of the NES-PF.</p>	<p>Amend to include a date to finish all the other SNAs e.g. 2030.</p> <p>Make any amendments required to implement NPS Indigenous Biodiversity.</p>

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147	ECO-M4	Amend	Query why is it necessary to have a “provide for” statement here for activities that meet policies ECO-P3 and ECO-P6. Isn't this a duplication, as the policies themselves imply that if they are met, the activity is acceptable (subject to compliance with other relevant provisions)? Is it intended that other activities should not be provided for, even where they meet the relevant policies?	Delete Method ECO-M4(1).
147	ECO-M5 – District plans	Amend	Query why is it necessary to have a “provide for” statement here for activities that meet policies ECO-P3 and ECO-P6. Isn't this a duplication, as the policies themselves imply that if they are met, the activity is acceptable? Shouldn't any activity (not just those listed) be provided for if it can meet the relevant policies? See issue outlined at ECO-P6 above regarding implementation of that policy.	Amend to delete ECO-M5(1). Clarify whether the intention is that resource consent applications triggered by district plans are directly assessed against ECO-P6, or that territorial authorities incorporate this policy into district plans.
203-204	APP2 - Significance criteria for indigenous biodiversity	Amend	Almost identical to 2GP (Policy 2.2.3.2). Also covers the same material as draft NPS-IB, which is good. Not sure how necessary/desirable it is to have these similar sets of criteria in all three docs (NPS, RPS, DP), but the gazetted NPSIB may contain directions regarding how this part of the NPS is to be given effect to in lower order docs.	Retain, with any amendments required to implement NPS Indigenous Biodiversity.
205	APP3 – Criteria for biodiversity offsetting	Amend	(1)(b) “reasonably measurable loss” without a definition will be difficult to implement and may result in inconsistent outcomes If timelines allow, ensure that biodiversity offsetting criteria in RPS are in accordance with NPS Indigenous Biodiversity (when gazetted).	Define ‘reasonably measurable loss’. Amend (2)(f) by replacing “beyond results” with “that are demonstrably additional to those”. Review all criteria in APP3 to ensure alignment the gazetted NPSIB, when available. Consider delaying the decision on these criteria until NPSIB has been gazetted.

206	APP4 – Criteria for biodiversity compensation	Amend	If timelines allow, ensure that biodiversity compensation criteria in RPS are in accordance with NPS Indigenous Biodiversity (when gazetted).	Amend (2) (d) by replacing “enduring” with “maintained in perpetuity”. Review all criteria in APP4 to ensure alignment the gazetted NPSIB, when available. Consider delaying the decision on these criteria until NPSIB has been gazetted.
207	APP6 – Species prone to wilding conifer spread	Amend	Dunedin’s 2GP requires consent under Rule 10.3.4 for forestry and shelterbelt/small woodlot activities that include the planting of a different range of tree species than that listed in APP6. Species in Rule 10.3.4 include four pine species, Douglas Fir, larch, sycamore, hawthorn, boxthorn and rowan. This rule was amended in response to submissions (to add some species and to remove others), taking into account evidence from Kelvin Lloyd of Wildlands (https://2gp.dunedin.govt.nz/2gp/documents/hearings/natural-environment/2017-05-21%20-%20Evidence%20-%20Kelvin%20Lloyd%20-%20Wilding%20Trees.pdf). Mr Lloyd recommended, for example, that Mountain pine, Dwarf Mountain pine and Bishops pine did not need to be included in the rule, because he considered that risk of wilding spread for these species in Dunedin district was low. However, it may be the case that risk for these species is higher in other parts of Otago. In addition, the Hearing Panel decided to remove Contorta pine from Rule 10.3.4 because it is comprehensively managed under the Biosecurity Act 1993. The Panel also decided, based on Mr Lloyd’s evidence, to include a range of species in the rule that are not listed in APP6 (and that are not conifer species), because of their significant invasive potential. These are Sycamore, Hawthorn, Boxthorn and Rowan.	Review the species listed in APP6 based on ecological evidence specific to Otago (unless this has already been done during preparation of the RPS), and also consideration of whether it is necessary for regional and district plans to control species that are managed under the Biosecurity Act. Consider management via the RPS of species that are not conifers but that have significant invasive potential. This would involve consequential changes to APP6 and other provisions in the RPS that refer to wilding ‘conifers’ only, including ECO-P9, ECO-M5, ECO-AER4, NFL-P5, etc.

EIT - Energy, infrastructure and transport

EIT-EN - Energy

RPS Page Number	The specific provisions of the proposal that my submission relates to are:	I support or oppose the specific provisions or wish to have them amended	The reasons for my view are:	I seek the following decision from the local authority:
151	EIT-EN-01 – Energy and social and economic well-being	Amend	<p>The DCC has no major objection to this objective but notes it could be more specific and, arguably, all electricity generation and distribution needs to be safe, secure and resilient not just that which involves renewable energy generation.</p> <p>For reference the 2GP has an objective to:</p> <p>Dunedin reduces its reliance on non-renewable energy sources and is well equipped to manage and adapt to changing or disrupted energy supply by having:</p> <p>a. increased local renewable energy generation;...</p>	<p>Otago's communities and economy are supported by <u>an electricity generation and distribution network</u> renewable energy generation within the region that:</p> <ul style="list-style-type: none"> a. is safe, secure, and resilient; b. <u>reduces its reliance on non-renewable energy sources, and</u> c. <u>contributes to meeting New Zealand's national target for renewable electricity generation.</u>
151	EIT-EN-02 – Renewable electricity generation	Amend	<p>The policy wording needs to be clarified for it to be a useful policy which does not create unnecessary debate and uncertainty. DCC is unsure what is meant by "maximised" – is this a proportion of total or how else is this measured? How does it relate to the assessment of alternative REG options? What is meant by environmental limits?</p>	<p>Delete and combine key elements into the objective above as shown in the row above.</p>
151	EIT-EN-03 – Energy use	Support in part	<p>The DCC supports this objective but doesn't think the latter half add values and only creates confusion as it is not clear what 'minimising' looks like.</p>	<p><u>Subdivision and Development</u> is located and designed to facilitate the efficient use of energy and to reduce demand if possible. <u>minimising the contribution that Otago makes to total greenhouse gas emissions.</u></p>

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151	Suggested new policy	Amend	A linking policy would be useful here, to clarify that the INF policies also apply to energy generation activities.	Add new linking policy, similar to CE-P1 Links with other chapters.
151	EIT-EN-P1 – Operation and maintenance	Amend	<p>‘Minimising’ is a very high policy test for something that you are trying to promote.</p> <p>DCC considers that:</p> <ul style="list-style-type: none"> This policy needs to be better connected to other objectives in the RPS as well as environmental limits <p>this policy should recognise functional and operational need – because REG needs to be located where resources are available/where it will be possible to connect future generation to transmission/ distribution networks.</p>	<p>Amend as follows:</p> <p>Expand to include the development and expansion of these activities, consider combining with policies P3 and P4 and draft in the active tense. Move the aspect about managing the effects of REG entirely into P6.</p> <p>For example, this could be achieved by amending the policy to read:</p> <p>Provide for the operation, maintenance, expansion, site investigation and development of <i>renewable electricity generation activities</i> by:</p> <ol style="list-style-type: none"> enabling these activities except where this may be in conflict with other RPS or regional or district plan objectives or any identified environmental limits or EIT-INF-P13; considering operational and functional needs and the ability to mitigate effects when deciding where not to provide for these activities, and managing activities that may give rise to reverse sensitivity effects for these activities to ensure the risk of more than minor reverse sensitivity effects is low.
151	EIT-EN-P2 – Recognising renewable electricity	Support	The DCC supports this policy.	Retain Policy EIT-EN-P2 as notified.

	generation activities in decision making			
151	EIT-EN-P3 – Development and upgrade of renewable electricity generation activities	Amend	This provision does not read as a policy rather an objective	Combine into P1 as shown above.
151	EIT-EN-P4 – Identifying new sites or resources	Amend	It is unclear as to what ‘highly valued’ refers to and where these features are identified or if these are to be debated on a case by case basis. See comments in P1.	Combine this policy in P1 as shown above and do not use subjective language.
152	EIT-EN-P5 – Non-renewable energy generation	Amend	This could be read as a blanket prohibition on all heating and electricity generating that relies on fossil fuels with no regard to scale of activities. This would mean all domestic or smaller scale heating or electricity devices that rely on fossil fuels are required to be banned, so covering gas hot water systems, all domestic scale and back up petrol generators, frost protection equipment used on farms etc.	Amend to: Be more specific in language used, e.g. refer to if it is electricity or heat that is generated or both. Be specific as to scale and only apply to large scale generation activities. Even for large scale activities it may be worthwhile considering which exceptions may need to apply. For example: Amend by replacing “Avoid the development of new non-renewable energy generation activities...” with alternative wording such as Avoid the development of new <u>large scale</u> non-renewable energy generation activities, unless...” (may need to define large-scale).
152	EIT-EN-P6 – Managing effects	Amend	The DCC supports the cross reference to EIT-INF-P13 but it is confused by how clause (2) is meant to be implemented. From a plan maker’s perspective policies read much clearer when it is clear which aspects direct the content of lower-order plans and which aspects are intended to be used directly in the assessment of consent applications. The latter being generally less appropriate as it is better to	Amend so the content is more focused on directing the content of lower order plans. Require <i>renewable electricity generation activities</i> to: a. be designed and operated to minimise as far as practicable adverse effects on the environment; and

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			have consent applications focused on the content of the plans that have triggered consents rather than needing to refer back to higher order policies.	b. consider alternative sites, methods and designs, and offsetting or compensation measures (in accordance with any specific requirements for their use in this RPS), where adverse effects are potentially significant or irreversible.
152	EIT-EN-P7 – Reverse sensitivity	Amend	The DCC submits that the policy approach taken to avoid reverse sensitivity effects as a first priority may prevent any residential uses in a large area which may not give effect to the NPS-UD. It may be that REG and people may need to learn to co-exist as there may not always be enough land options for these activities to avoid each other in all circumstances.	Amend the policy test as shown against P1 above and combine into P1 as shown above.
152	EIT-EN-P8 – Small and community scale distributed electricity generation	Amend	The DCC prefers that all scales of REG be managed through P1 or that similar considerations apply to community scale REG as these may also be inappropriate in some sensitive locations such as those listed in EIT-INF-P13	Amend P1 to include all scales of REG.
152	EIT-EN-P9 – Energy conservation and efficiency	Amend	The DCC supports this policy intent but suggests modified wording including the need to refer to subdivision which clearly the policy is intended to cover. Note that the suggested wording changes also reflect DCC drafting style preferences discussed in the opening comments.	<p>Amend to reflect the wording of this Dunedin 2GP policy</p> <p><i>Encourage the development of new housing that is durably constructed and energy efficient to operate, and located to minimise, as far as practicable, transportation costs and car dependency by:</i></p> <ul style="list-style-type: none"> <i>a. managing the design of subdivision to promote connectivity and legibility and maximise accessibility by transportation modes other than private motor cars; and</i> <i>b. managing subdivision, and building and site design to maximise solar access and the environmental performance of buildings.</i>

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152 & 153	EIT-EN-M1 – Regional Plans and EIT-EN-M2 – District plans	Amend	<p>DCC submits the following:</p> <p>The DCC is not convinced that it is necessary for regional plans to manage activities near REG – if so, this should be limited to regionally significant infrastructure.</p> <p>For regional plans and district plans, the RPS appears to require the identification of areas where REG is ok. This approach was traversed in the 2GP and ultimately rejected as:</p> <p>(1) at the plan development stage, it is impossible to know what mitigation methods are possible and therefore define to the degree necessary what might be ok in a location or not.</p> <p>(2) It is a more efficient method to allow REG developers to be able to consider all sites, and for them to assess on a case by case basis and make a consent application if they chose that considers how they might be able to mitigate effects given the context of the site (the outcomes or standards that might be required based on its sensitivity and values) and the technology they are proposing.</p> <p>(3) as discussed above this is too strict of an approach, these issues must be managed but restricting the activity may not be the best outcomes of those activities should be enabled to achieve other objectives</p> <p>(4) wording is too strong – there may be other drivers for subdivision design that are more important, this should be considered and encouraged but necessarily always optimised.</p> <p>(5) it is not clear what this is meant to require in practice and it may be impractical, depending on what is envisaged (e.g. is it implying off road foot paths and cycleways), for all transportation</p>	<p>The DCC seeks that these provisions are amended to address the concerns raised in the reasons including:</p> <p>Reconsider the need for regional plans to limit activities near REG.</p> <p>Do not require the identification of specific areas to provide for REG though it could suggest this option be considered.</p> <p>Amend language in M2(5) to ‘manage’ activities near to REG to achieve Policy EIT-EN-P1.</p> <p>Amend M2(6) to ‘manage’ subdivision design and development to achieve Policy EIT-EN-P1 and EIT-EN-P9.</p> <p>**note suggested policy cross references reflect suggestions to policy content**</p>
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			<p>infrastructure in every urban and rural residential location.</p> <p>DCC also seeks other consequential changes to this method to address the matters raised with respect to policy content.</p> <p>There is no method here re: regional plans and district plans providing for new REG activities.</p> <p>M2(6) – “require ... to optimise solar gain” wording is too strong, there may be other more important factors that need to be considered when designing subdivisions like avoiding hazards or waterways, enabling connected roading patterns etc. This is a factor that should be considered but it shouldn’t override other considerations. Use of more flexible encouraging policy wording.</p> <p>M2(7) what is anticipated by this “require”? it is a directive policy wording and it is not clear what is being required – all roads in theory can be used by buses and bikes, if it is more it needs to be clearer but should also not be the same for all locations as there is a need to balance costs and benefits in all plan regulation. Better to use more encouraging and flexible language.</p>	
153, 154	EIT-EN-M3 – Education and information	Amend	<p>Allow local authorities to determine whether these methods are necessary and the best use of limited resources considering also whether there are other sources for this information that are adequate.</p>	<p>Delete these as requirements or amend to clarify:</p> <ul style="list-style-type: none"> (1) what is meant by providing for adoption of renewable energy sources; (2) what the context of clause (a) is, and what therefore is expected, is this in terms of building design?; and (3) For clause (b) DCC’s objection to the requirement to map areas for REG is noted and, other than that, it is not clear

				what the expectation is so this should be clarified.
155	EIT-EN-AER3	Amend	Needs to align with relief sought with respect to other provisions in this section.	Make consequential changes to this section to reflect relief sought with respect to provisions in this section.

INF - Infrastructure

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
156	EIT-INF-O4 – Provision of infrastructure	Support	The DCC supports this objective.	Retain Objective EIT-INF-O4 as notified.
156	EIT-INF-O5 - Integration	Support	The DCC supports this objective.	Retain Objective EIT-INF-O5 as notified.
156	EIT-INF-O6 – Long-term planning for electricity transmission infrastructure	Support	The DCC supports this objective.	Retain Objective EIT-INF-O6 as notified.
156	EIT-INF-P10 – Recognising resource requirements	Support	The DCC supports this policy.	Retain Policy EIT-INF-P10 as notified.
156	EIT-INF-P11 – Operation and maintenance	Amend	The way EIT-INF-P11 interacts with ECO-P4 is confusing, as it seems to imply that a more lenient effects test applies to operation and maintenance in SNAs than elsewhere. In SNAs, under ECO-P4, the options in ECO-P6 apply, which include remedying and mitigation of adverse effects (where avoidance is not possible), but elsewhere, EIT-INF-P11 requires that adverse effects are “minimised” if avoidance is not practicable.	Amend EIT-INF-P11 to be more enabling, e.g. by amending to “minimising adverse effects <u>as far as practicable</u> ”.
156	EIT-INF-P12 – Upgrades and development	Amend	Nationally or regionally significant infrastructure is critical for community and national well-being. A key consideration to provide for upgrades and development of this infrastructure should include recognition of it being necessary for community/national well-being.	Amend by replacing ‘development of’ with ‘new’ for clarity. Consider separate policies for new (greenfields) infrastructure vs upgrades of existing infrastructure. Amend by adding additional clause (4) to reflect role of infrastructure in community well-being.

156	EIT-INF-P13 – Locating and managing effects of infrastructure	Amend	<p>Issue 1:</p> <p>It is unclear whether this policy prevails over the other policies in the other sections of the RPS such as NFL-P2 and NFLP3 when there is a conflict.</p> <p>More direction in terms of which policy prevails when there is a conflict between differing aims, in particular avoiding/managing environmental effects in sensitive environments versus providing for infrastructure which has operational and functional needs to locate there (i.e. more like policies 4.3.4 and 4.3.6 of partially operative RPS).</p> <p>Issue 2:</p> <p>It is noted that “areas of high recreational and high amenity value” are included in this policy. In Dunedin, these are likely to correspond with the Significant Natural Landscapes in the 2GP. The requirement at clause (2)(b) for all infrastructure that is not nationally or regionally significant (regardless of its operational needs or potential benefits?) to avoid any adverse effects on values that contribute to the significance of an SNL seems overly onerous, and is not in keeping with the approach taken in the 2GP (where there is a hierarchy of protection, with stricter policies applying to activities in ONFs and ONLs than SNLs).</p> <p>Issue 3:</p> <p>The general comments under the “Scope of content and change from recent partially operative RPS” header above are relevant here. This new policy, and EIT-INF-P16, would replace operative policies 4.3.4 and 4.3.6 of the 2019 RPS. These older policies were agreed via a long process of negotiation – would it be more efficient to leave these as they are</p>	<p>Issue 1:</p> <p>Amend or add a new policy to clarify whether Policy EIT-INF-P13 is intended to prevail over policies in other sections of the RPS, e.g. NFL-P2 and NFL-P3, in the event of a conflict.</p> <p>Issue 2:</p> <p>Review the effects test for infrastructure within ““areas of high recreational and high amenity value” to ensure that it strikes an appropriate balance between protecting values and recognising the benefits and constraints of infrastructure. Otherwise reconsider whether the policy test is right and do not overuse the requirement to ‘avoid’ or ‘minimise’.</p> <p>Issue 3:</p> <p>More broadly, reconsider whether amendments to the equivalent policies in the partially operative RPS are necessary, given the time and cost that has gone into settling the operative policies and incorporating these into lower order documents.</p> <p>Amend to add consideration of whether the infrastructure in that location could significantly impact on adding residential or business land development capacity in an area that has been identified for growth or otherwise meets the criteria for new urban land.</p>
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			<p>rather than amend them? Or is there a clear need to amend them?</p> <p>NB additional lengthy processes may already have been gone through by TAs to incorporate the previous (and recently reviewed) policies into their plans (this is the case for Dunedin, with significant associated costs for ratepayers).</p> <p>See also specific comment below for EIT-INF-P16.</p> <p>Issue 4:</p> <p>Given the need to manage reverse sensitivity effects, there also needs to be consideration of the impact of locational decisions for new infrastructure on the ability to use that land for sensitive activities. Dunedin has a number of constraints that make identifying areas for greenfield urban land challenging, infrastructure should seek to avoid land that may be required for future urban growth or be designed to minimise loss of residential or business land capacity in that land.</p>	
157	EIT-INF-P14 – Decision making considerations	Amend	<p>Is this always appropriate if the effects are less than minor but irreversible</p> <p>Unclear what clause (2) is saying – what does this mean in practice?</p>	<p>Amend to clarify (2) and reconsider irreversible effects that are minor should trigger the need to consider alternatives.</p> <p>Reconsider whether it is appropriate to consider a policy which seems to speak to all decision-making situations (e.g. every consent) or whether the policy should focus on directing plan content.</p>
157	EIT-INF-P15 – Protecting nationally or regionally significant infrastructure	Amend	<p>“Seek to avoid” wording is unclear, what does that mean in terms of plan content as it does not provide guidance on the situations in which this type of effect should be “avoided”, versus the situations where the risk of reverse sensitivity needs to be managed as it cannot be avoided (e.g. because of</p>	<p>Amend wording to:</p> <p>Manage activities that may result in reverse sensitivity effects on <i>nationally or regionally significant infrastructure</i>, and/or where they may compromise the <i>functional or operational needs of nationally or regionally</i></p>

			the importance of the new sensitive activity – such as provision of new housing).	<i>significant infrastructure</i> in a way that avoids or minimises as far as practicable the risk of reverse sensitive effects.
157	EIT-INF-P16 – Providing for electricity transmission and the National Grid	Amend	<p>Issue 1:</p> <p>This policy paraphrases policies 14, 1, 3, 5 and 7 of NPS Electricity Transmission, but not the other parts of NPSET.</p> <p>It is not clear why some part of NPSET are included and not others. It looks like this may be because other policies in NPSET are covered in EIT-INF-P13?</p> <p>Issue 2:</p> <p>There are significant differences in the newly notified RPS policies applying to the National Grid, and the older policy (4.3.6). This has costs for parties (such as the DCC) who have been involved in lengthy processes to incorporate the previous version of RPS policies into lower order documents. It would be more efficient to leave these policies as they are in the previous version of the RPS.</p>	<p>Issue 1:</p> <p>Amend by adding cross-references/footnotes to the RPS policies to clarify where these are paraphrasing NPSET policies.</p> <p>Amend by clarifying that both EIT-INF-P13 and EIT-INF-P16 apply to the National Grid. It is potentially confusing that effects of the National Grid on urban amenity, town centres, areas of recreational value and existing sensitive activities are managed in P16, but other adverse effects are managed in P13.</p> <p>Issue 2:</p> <p>Amend by leaving the National Grid policies as they are in the previous RPS, in order to reduce losses from time previously invested in incorporating these policies into lower order documents.</p>
158	EIT-INF-P17 – Urban growth and infrastructure	Support	The DCC supports this policy.	Retain Policy EIT-INF-P17 as notified.
158	EIT-INF-M4 – Regional plans	Amend	This method may need amendment as a result of the relief sought elsewhere in this section.	Make consequential changes to reflect relief sought elsewhere in this section.
158	EIT-INF-M5 – District Plans	Amend	<p>District Plans are not strategic documents, spatial plans/FDSs are.</p> <p>Therefore, the FDS is more appropriate as a place to consider how to strategically integrate land use and infrastructure planning (which is implemented through district plans and infrastructure plans).</p> <p>The methods listed for infrastructure are overall quite general and could be better linked to the</p>	<p>Delete clause (1) as this is done in an FDS not a district plan</p> <p>Delete clause (2) or clarify what this means in a practical sense as district plans do not generally manage the planning of activities.</p> <p>Amend (3) to sound less like a rule, change to activities ‘need to be managed’.</p>

			<p>policies to provide clearer direction and enable specific monitoring.</p> <p>There is no specific method (other than method 4 in relation to the National Grid) relating to including controls in the District Plan to manage activities within or adjacent to electricity infrastructure or having regard to NZECP 34:2001 and Electrical Code of Practice for Electrical Safe Distances and Electricity (Hazards from Trees) Regulations 2003 (linked to Policy EIT-INF-P15).</p> <p>Comments on clause (6):</p> <ul style="list-style-type: none"> i. DCC notes there are various ways infrastructure is funded, including by the developer. ii. Is the broad definition of infrastructure appropriate in this method? iii. See general comments about use of “avoided” in RPS – this could be read as the plan must prohibit any development that cannot connect to network infrastructure. 	<p>Delete (6)(c) or amend to recognise that infrastructure upgrades may be funded in a variety of ways, to not rely on the definition of infrastructure, to remove the word ‘avoid’ as this is too strong.</p> <p>Delete (7) or amend so it is clear what is being prioritised and how prioritisation is to be achieved.</p>
159	EIT-INF-M6 – Advocacy	Amend	These should be suggestions rather than requirements.	Amend to have these as suggestions rather than requirements.
159	EIT-INF-E2 - Explanation	Amend	The explanation may need amendment as a result of the relief sought elsewhere in this section.	Make all consequential changes to reflect relief sought above.

TRAN - Transport

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
161	EIT-TRAN-07 - Effective, efficient and safe transport	Amend	DCC submits that this policy should also include the concept of affordability of transport.	Amend to “Otago has an integrated air, land and sea transport network that: (1) is effective, efficient, <u>affordable</u> and safe, (2) connects communities and their activities within Otago, with other regions, and internationally, and (3) is resilient to natural hazards
161	EIT-TRAN-08 – Transport systems	Amend	DCC submits that there is a need to expand the detail in this policy with relation to a low carbon transportation system.	Amend as follows: “... is integrated with land use, provides a choice of <u>low-carbon</u> transport modes <u>powered by renewable energy...</u> ”
161	EIT-TRAN-09 – Effects of the transport system	Support	The DCC supports this objective but notes the comments on EIT-TRAN-08.	Retain Objective EIT-TRAN-09 as notified.
161	EIT-TRAN-010 – Commercial port activities	Amend	The DCC supports this objective but seeks this objective is expanded to include airport activities or a similar policy is included with regard to airport activities.	Amend Objective EIT-TRAN-010 or include a new objective to include airport activities.
161	Suggested new policy	Amend	A linking policy would be useful here, to clarify that the INF policies also apply to transport activities.	Amend by adding new linking policy, similar to CE-P1 Links with other chapters.
	Policies general	Amend	Policies are not drafted clearly and do not give clear direction to plan makers on how they need to give effect to the RPS. There is too high an emphasis on efficient operation of the transport network, and too little on the need	Amend policies to read less like objectives and more like policies with active verb tenses (see introductory comments).

			to mitigate and adapt to the impacts of climate change and minimise environmental effects.	
161	EIT-TRAN-P18 – Integration of the transport system	Amend	DCC questions the phrasing of ‘that enables service delivery as demand requires’. This language is not clear and seems to indicate a demand driven system, where the system should be designed to achieve outcomes and environmental bottom lines (including those that contribute to environmental well-being).	Amend by including environmental well-being and remove language around ‘as demand requires’. Perhaps this needs to focus on the efficient and sustainable movement of goods Add “(3) by promoting the safe and efficient travel by active modes and public transportation”.
161	EIT-TRAN-P19 – Transport system design	Amend	The DCC supports the content of this policy but seeks it be worded more appropriately as a policy with content focused on direction about ‘transport system design’.	Amend to read more like a policy. For example: “Require upgrades and additions to the transport system to be designed to promote improved sustainability, resilience and adaptability in the transport system by: (1) Designing the transport system to support active transportation Remove content about promoting a consolidated urban form, as while this concept is supported, this content is out of place here as this policy is meant to be about ‘transport system design’.
161/162	EIT-TRAN-P20 – Public transport	Amend	The DCC supports the content of this policy but notes it is not drafted clearly as the list of matters does not seem to logically follow the introductory sentence. It is also unclear how and through what methods this policy is to be implemented as ‘plans and proposals’ is not something that is typically managed in regulatory documents. Refocus to give clearer policy direction.	Redraft so it is clearer how and through what methods this policy is to be implemented as ‘plans and proposals’ is not something that is typically managed in regulatory documents.

162	EIT-TRAN-P21 – Operation of the transport system	Amend	<p>See general comments on the drafting of these policies and also the use “avoid” in policy wording which is discussed in the DCC’s opening comments. The usage in this policy is inappropriate and too high of a bar that likely to not allow other objectives in the RPS to be met or set a reasonable standard in terms of costs and benefits of regulation.</p> <p>‘promote’ is also odd policy language and it is hard to understand how this is to be given effect to. ‘Provide for’ (which DCC interpret to mean allow for in the plan but may need controls on) or ‘enable’ (which DCC interpret to mean allow for with few controls) is better language if directing plan content.</p> <p>Suggest changing avoid to ‘mitigate as far as practicable’ for 1,2 & 3.</p>	<p>Amend by removing use of “avoid” and replacing with “mitigate” or “minimise as far as practicable”.</p> <p>Amend clauses 4, 5 and 6 by using a stronger term than promote/encourage”.</p> <p>The efficient and effective operation of the transport system is maintained by:</p> <ol style="list-style-type: none"> (1) avoiding <u>or mitigating</u> adverse <i>effects</i> of activities on the functioning of the transport system, (2) managing the location of incompatible activities, including those that may result in reverse sensitivity <i>effects</i>, (3) controlling development that may foreclose an opportunity to adapt, upgrade or develop the transport system to meet future transport demand, (4) enabling the development and use of transport hubs that enable an efficient transfer of goods for transport and distribution across different freight and people transport modes, (5) enabling ridesharing, park and ride facilities, bus hubs, bicycle facilities or other facilities that support reduce use of private motor vehicles and the use of alternativetransport modes (6) requiring high trip generating activities to consider demand management methods;
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				(7) encouraging a shift to using renewable energy sources.
162	EIT-TRAN-P22 – Sustainable transportation	Amend	The DCC supports the content of this policy but notes it is not drafted as a policy but rather reads like an objective.	Amend to give clear policy direction based on this objective.
162	EIT-TRAN-P23 – Commercial port activities	Neutral	The DCC supports this policy in principle. The DCC notes it earlier comments on the absence of policy direction on airports in relation to the objective that sits about this policy.	No change requested.
163	EIT-TRAN – M7	Amend	This method could be improved by some better drafting and clearer links to the policy direction. The RPS needs to include the regional council's role in providing public transportation services and actions by it as part of that function to deliver on the objectives of the RPS. The RPS is inappropriately silent on this aspect as a critical method for delivering on the RPS's objectives.	Add the full range of methods required to implement the policy direction including by adding a new method in this section setting out the regional council's role in providing public transportation services, and the actions to be taken by the regional council, as part of that function, to help achieve the objectives of the RPS.
163	EIT-TRAN-M8 – District plans	Amend	Issue 1: EIT-TRAN-M8 (1) District Plans are not strategic documents, spatial plans/FDSs are. Therefore, the FDS is a more appropriate as a place to consider how to strategically integrate land use and infrastructure planning (which is implemented through district plans and infrastructure plans). Issue 2: EIT-TRAN-M8 (2) requires high trip generating activities to be integrated with public transport services but there is no definition in the RPS for 'high trip generating' activities. Land use and transportation integration is not a 'one-way' system. Public transportation services	Issue 1: Review use of term 'strategic' in EIT-TRAN-M8 (1) Issue 2: Amend RPS to include a definition for 'high trip generating' activities so that it is clear what types of activities fall within this category to achieve the method prescribed. Amend EIT-TRAN-M8 (2) to acknowledge that in some cases, public transport and transportation network designs may need to be adjusted to respond to land use change, rather than vice versa. Issue 3:

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			<p>and transportation network designs may need to be adjusted to respond to land use change as well.</p> <p>Issue 3:</p> <p>EIT-TRAN-M8 (3) Subdivision and infrastructure design can and should encourage use of other modes but it cannot necessarily 'minimise private vehicle use', that is beyond the scope of what the RMA and national direction provides for (especially in terms of the NPS-UD).</p> <p>Issue 4:</p> <p>Activities that may have effects on the transportation system need to be managed but there are other methods to manage these interactions other than restricting and preventing them, upgrades to the transportation system to accommodate them may also be appropriate.</p>	<p>Consider amending to "include subdivision and infrastructure design standards to <u>minimise private vehicle use</u> enable and encourage the use of travel modes other than private vehicles, enable public transport networks to operate and..."</p> <p>Issue 4:</p> <p>Amend wording to acknowledge that upgrades to the transport system can also be used to manage the effects of activities on the transportation network.</p>
164	EIT-TRAN-AER11	Amend	<p>The goal of just increasing dwellings per hectare with no recognition of the status quo is inappropriate. It also does not recognise the need to expand PT into areas where it may not necessarily be appropriate to increase density due to other issues that need to be managed.</p>	<p>Amend to read:</p> <p>The number of households who have access to public transportation modes increases over the lifetime of the plan</p>
164	EIT-TRAN-AER 12 – Anticipated environmental results	Amend	<p>Suggest measure focuses on throughput of network rather than congestion e.g. increased throughput of people and freight with less negative environmental effects. Congestion can be because of single occupant vehicles, bikes, or public transport vehicles with quite different effects. Congestion is also strongly correlated with economic activity so significant decreases in economic activity can result in reductions in congestion without achieving the intent of the policies.</p>	<p>Amend as follows:</p> <p>Public transport patronage and throughput of people and freight on the network increases.</p>

164	EIT-TRAN-AER 13 – Anticipated environmental results	Amend	Suggest referencing the role rail and coastal shipping can play in reducing the carbon intensity of freight transport.	Amend as follows: “Greenhouse gas emissions arising from the transport system reduce over time from increased active transport, shared travel and public transport patronage, increase use of <u>rail for freight</u> and reduced reliance on fossil fuels.”
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HAZ - Hazards and risks

HAZ-NH – Natural Hazards

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
N/A	Natural hazard general comments	Support	Support risk-based approach to the management of natural hazards (noting specific comments below).	Retain risk-based approach to the management of natural hazards.
165	HAZ-NH-O1 – Natural hazards	Support	The DCC supports this objective.	Retain Objective HAZ-NH-O1 as notified.
165	HAZ-NH-O2 – Adaption	Support	The DCC supports this objective.	Retain Objective HAZ-NH-O2 as notified.
165	HAZ-NH-P1 – Identifying areas subject to natural hazards	Amend	Reads as if “the best available information” is only required when evaluating likelihood, but this should also relate to other points such as assessment of effects, identification of hazards etc. Order of people, property and communities differs from HAZ-NH-O2 – should be the same order for consistency.	Amend to read as follows: “Identify areas where natural hazards may adversely affect Otago’s people, property and communities by assessing, using the best available information: (1) ... (5) likelihood, and (6) ...”
165	HAZ-NH-P2 – Risk assessments	Amend	It is unclear how the ‘maximum credible event’ is determined in Step 1 of APP6 – Methodology for natural hazard risk assessment.	Provide guidance on how the ‘maximum credible event’ is determined.

165	HAZ-NH-P3 - New activities	Amend	Once the level of natural hazard risk associated with an activity has been determined in accordance with HAZ-NH-P2, manage new activities to achieve the following outcomes: “when the natural hazard risk is significant, the activity is avoided” ... See general comments about use of word “avoid” in policies.	Amend to reflect general comments re use of the word ‘avoid’. Clarify if there are any new activities that could establish in areas where the natural hazard risk is significant e.g. a new road.
165/166	HAZ-NH-P4 - Existing activities	Support	The DCC supports this policy.	Retain Policy HAZ-NH-P4 as notified.
166	HAZ-NH-P5 – Precautionary approach to natural hazard risk	Amend	It is uncertain what the ‘precautionary approach’ is? Clarify what this approach is and how activities will comply with it.	Clarify what the ‘precautionary approach’ is, and how it will be applied.
166	HAZ-NH-P6 – Protecting features and systems that provide hazard mitigation	Amend	How is this policy balanced against the need to provide infrastructure in these locations?	Amend to recognise that this policy should operate consistently with infrastructure policies.
166	HAZ-NH-P7 – Mitigating natural hazards	Support	The DCC supports this policy.	Retain Policy HAZ-NH-P7 as notified.
166/167	HAZ-NH-P8 Lifeline utilities and facilities for essential or emergency services	Support	The DCC supports this policy.	Retain Policy HAZ-NH-P8 as notified.
167	HAZ-NH-P9 – Protection of hazard mitigation measures	Amend	It is not clear from the heading of this policy that it applies to more than hazard mitigation measures.	Amend the policy name to ‘Protection of hazard mitigation measures, <u>lifeline utilities, and essential or emergency services.</u> ’ See generic comments on the use of the word ‘avoid’ in policies.
167	HAZ-NH-P10 – Coastal hazards	Amend	“No <i>land use</i> change or redevelopment occurs that would increase the <i>risk</i> to people and communities, from that coastal hazard, and ...” Almost every development could result in an increase in risk in the generic sense (e.g. going from no development to any development is an increase in risk).	‘Ensure’ in this context has the same meaning as ‘avoid’. See generic comments on the use of the word ‘avoid’ in policies. Clarify what is meant by ‘redevelopment’.

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			<p>Does not align with risk-based approach provided for in the policies and methods (e.g. HAZ-NH-P3).</p> <p>Some land-use changes or redevelopment may reduce short-term risk (which is encouraged) but result in an offsetting/ redirection of risk or even increase risk in long-term.</p> <p>What is meant by 'redevelopment'? Does this mean that houses cannot be built or extended in a Hazard 3 (Coastal) overlay zone.</p>	Amend policy to address concerns.
167	HAZ-NH-P11 – Kaitiaki decision making	Amend	Why do Kai Tahu have a specific role in decision making and management processes for freehold land that is susceptible to natural hazards?	Delete this policy and rely on general Treaty of Waitangi requirements, or amend the policy by removing the reference to freehold land.
168 & 208	NAH-NH-M2 – Local authorities and APP6 – Methodology for natural hazard risk assessment	Amend	<p>This method requires DCC to undertake a consultation process with the community to develop consequence and risk tables. DCC recently undertook this process (in collaboration with ORC) when developing the 2GP.</p> <p>DCC would have concerns with any requirements to re-undertake this process within the next 6 years.</p> <p>Further, the likelihood and consequences tables in the draft RPS differ slightly to that in the 2GP, however ultimately the associated risk table is compatible with that included in the 2GP.</p>	<p>Amend the method to provide an exemption for local authorities that have an existing risk assessment framework in their District Plan e.g. the Dunedin City District Plan.</p> <p>This would also require a consequential change so that resource consent applicants would not have to go through the risk assessment in the interim if they comply with the existing provisions of the 2GP.</p>
168	HAZ-NH-M3 – Regional plans	Amend	Consequential changes may be needed as a result of the relief sought elsewhere in this section.	Make any consequential changes necessary to address any submissions on this section.
168	HAZ-NH-M4 – District plans	Amend	Consequential changes may be needed as a result of the relief sought elsewhere in this section.	Make any consequential changes necessary to address any submissions on this section.
168	HAZ-NH-M5 – Other incentives and mechanisms	Support in principle	The DCC supports this method.	Retain Method HAZ-NH-M5 as notified.

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HAZ-CL – Contaminated land

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
172	HAZ-CL-O3 – Contaminated land	Support	The DCC supports this objective.	Retain Objective HAZ-CL-O3 as notified.
172	HAZ-CL-P13 – Identifying contaminated land	Support	The DCC supports this policy.	Retain Policy HAZ-CL-P13 as notified.
172	HAZ-CL-P14 – Managing contaminated land	Support	The DCC supports this policy.	Retain Policy HAZ-CL-P14 as notified.
172	HAZ-CL-P15 – New contaminated land	Amend	<p>“Avoid the creation of new <i>contaminated land</i> or, where this is not practicable, minimise adverse <i>effects</i> on the environment and mana whenua values”</p> <p>Use of the term ‘avoid’ is considered to translate to ‘prohibit’. This is inconsistent with the policy preference for discharges of wastewater to land over discharges to water (Policy LF-FW-P15) and requirements for inclusion in regional plans (CE-M3) where discharge of human sewage to directly to water in the coastal environment is prohibited. This policy should also recognise stormwater discharges to any approved landfills that by necessity will need to discharge to land.</p>	<p>Amend the policy so it is consistent with LF-FW-P15, which prefers discharges of wastewater to land over discharges to water (unless adverse effects associated with a discharge to land are greater than a discharge to water). This could be achieved by making an explicit exception in HAZ-CL-P15 for new discharges of wastewater to land.</p> <p>The same change should be made to recognise stormwater discharges and any approved landfills that by necessity will need to discharge to land.</p>
172	HAZ-CL-P16 – Waste minimisation responses	Support	The DCC supports this policy.	Retain Policy HAZ-CL-P16 as notified.
172	HAZ-CL-P17 – Disposal of waste materials	Support	The DCC supports this policy.	Retain Policy HAZ-CL-P17 as notified.
172	HAZ-CL-P18 – Waste facilities and services	Support	The DCC supports this policy.	Retain Policy HAZ-CL-P18 as notified.

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173	HAZ-CL-M6 – Regional plans	Amend	Consequential changes may be needed as a result of the relief sought elsewhere in this section.	Make any consequential changes necessary to address any submissions on this section.
173	HAZ-CL-M7 – District plans	Amend	Consequential changes may be needed as a result of the relief sought elsewhere in this section.	Make any consequential changes necessary to address any submissions on this section.
173	HAZ-CL-M8 – Waste management and minimisation plans	Amend	Consequential changes may be needed as a result of the relief sought elsewhere in this section.	Make any consequential changes necessary to address any submissions on this section.
173	HAZ-CL-M9 – Other incentives and mechanisms	Amend	Consequential changes may be needed as a result of the relief sought elsewhere in this section.	Make any consequential changes necessary to address any submissions on this section.
N/A	N/A	Amend	<p>Hazardous substances</p> <p>There is limited reference to the management of hazardous substances in the proposed ORPS. Where hazardous substances are mentioned, they relate to Hazardous Activities and Industries List (HAIL) sites, contaminated land and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012 (NESCS).</p> <p>The DCC recognises that the Resource Legislation Amendment Act 2017 removed the explicit function of both regional and local councils under sections 30(1)(d)(v) and section 31(1)(b)(ii) of the RMA to control the adverse effects of the storage, use, disposal or transportation of hazardous substances under the RMA.</p> <p>However, DCC also consider, based on expert advice from a hazardous substance expert, that district plans still play a role in the management of hazardous substances, where the Hazardous Substances Regulations (in workplaces) and Hazardous Substances and New Organisms Act (HSNO) are inadequate in controlling the effects of hazardous substances.</p> <p>The expert advice received by the DCC concluded that most risks within both workplaces and non-</p>	<p>Amend the RPS to add direction on the management of different types of hazardous substances in close proximity to:</p> <ul style="list-style-type: none"> • sensitive activities (i.e. activities that accommodate large numbers of people and/or people who are more vulnerable to hazardous substances, e.g. hospitals, childcare centres, retirement homes, hotels and residential activities) • sensitive natural environments • areas subject to natural hazards.

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			workplaces are adequately managed by HSW-HS and HSNO regulations. However, the report did identify gaps within the HSW-HS and HSNO regulations framework where additional controls in the 2GP are necessary. These are: <ul style="list-style-type: none"> • secondary containment of all corrosive or ecotoxic substances • preparation of a risk assessment where hazardous facilities are located adjacent to sensitive land-uses or within sensitive land-use zones where the potential for explosion, toxic gas release or release to the environment beyond the boundary exists • land use controls around identified existing hazardous facilities and industrial zones to minimise the likelihood of new sensitive activities locating within the vicinity of the sites 	
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HCV - Historical and cultural values

HCV-WT - Wāhi tūpuna

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
175	HCV-WT-O1 – Kāi Tahu cultural landscapes	Support	The DCC supports this objective.	Retain Objective HCV-WT-O1 as notified.
175	HCV-WT-O2 – Rakatirataka	Support	The DCC supports this objective.	Retain Objective HCV-WT-O2 as notified.
175	HCV-WT-P1 – Recognises and identify wāhi tūpuna	Support	The DCC supports this policy.	Retain Policy HCV-WWT-P1 as notified.

175	HCV-WT-P2 – Management of wāhi tūpuna	Support in principle	The DCC supports this policy.	Retain Policy HCV-WWT-P2 as notified.
176	HCV-WT-M2 – Regional and district plans	Amend	<p>While we generally support the matters in this method, it is not clear if the expectation is that all clauses are complied with in all cases. In practice, some will apply in some cases, and some in others. Rewrite the method to clarify that not all responses might apply.</p> <p>We are unsure what methods would be in accordance with tikaka, and we do not support buffers or cultural impact assessments for all activities which may adversely affect wāhi tūpuna .</p>	<p>Amend to clarify that not all responses might apply in all cases.</p> <p>Clarify which methods are in accordance with tikaka.</p> <p>Reduce the requirement for cultural impact assessments to being required on a case-by-case basis.</p>

HCV-HH – Historic Heritage

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are: (please enter the relevant objective, policy, method or other provision reference where possible. For example, AIR-01)</i>	<i>I support or oppose the specific provisions or wish to have them amended (please indicate support, oppose or amend)</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority: (Please be as clear as possible – for example, include any alternative wording for specific provision amendments.)</i>
178	HC-HH-03 – Historic heritage resources Otago's unique historic heritage contributes to the region's character, sense of identity, and social, cultural and economic well-being, and is preserved for future generations.	Amend	The objective as drafted seems to apply that all historic heritage is preserved which is not possible while meeting other objectives in the RPS (or in the Dunedin 2GP). Amend to respond to this possible conflict.	<p>Amend so it is clear that not every item of historic heritage must be preserved, for example by wording it like:</p> <p>Otago's unique historic heritage contributes to the region's character, sense of identity, and social, cultural and economic well-being, <u>and retains places and areas with special or outstanding historic heritage values or qualities and seeks to, where not in conflict with other objectives, retain other places or areas with heritage values or qualities.</u></p>

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178	HCV-HH-P3 – Recognising historic heritage	Support	The DCC supports this policy.	Retain Policy HCV-HH-P3 as notified.
178	HCV-HH-P4 – Identifying historic heritage	Amend	Having to identify two categories of heritage items will have resourcing implications for the DCC as the 2GP schedule currently does not do this. The DCC would not have any resource to implement a two-tiered approach for some time, especially given the workload attached to national direction.	Consider whether an amendment is necessary to include a mechanism for district plans to bridge the gap between their current identification approaches and nomenclature, and the RPS requirement.
178	HCV-HH-P5 – Managing historic heritage	Amend	<p>“(2)” The requirement to avoid all adverse effects on areas or places with special / outstanding historic heritage is overly onerous and too limiting, particularly considering the definition of effect. Minor or temporary effects may be acceptable e.g. adaptive reuse may affect heritage values, but overall preservation / re-use of building outweighs this. Policy needs to be clear it considers overall effects.</p> <p>Also, impossible to remedy / mitigate effects of demolition. So, would still struggle to provide critical important developments that may result in loss of heritage.</p> <p>Reference to 4) ...‘other adverse effects’ - unclear as to what “other” refers to in this context, as ‘adverse effects’, already mentioned.</p>	<p>Amend to include some consideration of significant positive effects, similar to 2GP policy 13.2.1.7. While noting there is some carve out for infrastructure this may not go far enough where other projects with significant positive effects may be ‘worth’ the loss of some historic heritage.</p> <p>For example, the policy as written could have stopped the new Dunedin Hospital or similar project with significant positive effects for the community, which would not have been a positive outcomes for a critical central city Dunedin site housing a large factory that may have had not practical adaptive reuse purpose.</p> <p>Amend to include a caveat to balance ‘avoid, such as “where practicable”;</p> <p>Clauses 4-5 are difficult to understand are they meant to be read as one sentence or otherwise linked and, if so, are there missing punctuation or joining words? Or is clause 5 meant to also apply as an alternative to clauses 2 and 3, e.g. that for any type of heritage as long as you can demonstrate you</p>

				<p>cannot avoid effects then you can just choose to remedy or mitigate them.</p> <p>Amend the word 'demonstrably' which is an unusual policy word choice and practicable is preferred as more commonly understood. If not change clarify what type of demonstration is envisaged?</p> <p>Amend by including an example of 'other adverse effects' to assist clarity.</p>
179	HCV-HH-P6	Amend	<p>It is unclear what is meant by 'enhance'.</p> <p>The language of "through the implementation of" is awkward policy language".</p>	<p>Clarify what is meant by 'enhance', replace with clearer wording like "Encourage the maintenance, ongoing use and adaptive re-use of..." which is language used in the 2GP.</p> <p>The language of "through the implementation of" is awkward policy language"</p> <p>Reword as:</p> <p>Encourage the maintenance, ongoing use and adaptive re-use of historic heritage through plan provisions which enables these activities in a way that also minimises adverse effects on identified heritage values.</p>
179	HCV-HH-P7 – Integration of historic heritage Maintain historic heritage values through the integration of historic heritage values into new activities and the adaptive reuse or upgrade of historic heritage places and areas.	Amend	<p>It is not clear what integration of historic heritage into new activities means, whether it makes sense for all activities or how it would be implemented in plan provisions e.g. you would restrict land uses that could not integrate the heritage values into the activity</p>	<p>Delete in favour of a reworded P6 suggested above.</p>
180	HCV-HH-M5 – District Plans	Amend	<p>The location or presence of historic heritage is not always known.</p>	<p>Amend Clause 2 and add anew clause: (2) <u>where the location and values of historic heritage is know, control the</u></p>

				following where they may adversely affect historic heritage: (3) where the location of historic values is <u>suspected but not known, include provisions that alert plan users to the need to follow accidental discovery protocol or other appropriate plan provisions to protect historic heritage</u>
180	HCV-HH-M6 – Incentives and education	Amend	While recognising it is not meant to be an exclusive list, there may be other ‘economic instruments’ that may be as or more effective and efficient to administer.	Amend to refer to ‘economic instruments’ more broadly.
214-215	APP8 – Identification criteria for places and areas of historic heritage	Amend	This entire section derives from the Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines 2019. Therefore, a reference to this document is required. A clear reference to the document will also support the change in methodology being proposed here, so that practitioners understand the full method required to identify and justify places and areas of historic heritage.	Amend to include a clear reference to the Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines 2019.

NFL – Natural features and landscapes

RPS Page Number	The specific provisions of the proposal that my submission relates to are:	I support or oppose the specific provisions or wish to have them amended	The reasons for my view are:	I seek the following decision from the local authority:
182	NFL-O1 – Outstanding and highly valued natural features and landscapes	Support	The DCC supports this objective.	Retain Objective NFL-O1 as notified.
182	NFL-P1 – Identification	Amend	Clarify how the ‘the capacity’ of those natural features will be determined.	Clarify.

182	NFL-P2 – Protection of outstanding natural features and landscapes	Amend	<p>It is likely to be difficult, in practice, to distinguish between “(1) ...effects on values that contribute to... being considered outstanding, even if those values are not themselves outstanding” and “(2) ...other adverse effects”.</p> <p>Identified values of e.g. ONLs and SNLs are often quite broad – e.g. the values to be protected in the 2GP for the Peninsula Coast ONL (appendix A3.2.3) include “Important recreational/amenity values for locals and tourists.”</p> <p>However, DCC notes that this is the wording used in the equivalent policies in the previous version of RPS, so the comment at the first bullet point in the “Content” section of the “General Comments/Questions”, above, applies.</p>	<p>Amend the policy to:</p> <ul style="list-style-type: none"> • focus on managing effects on landscape values only, and • remove the distinction between effects that contribute to the ‘outstanding’ nature of the area, and other effects
182	NFL-P3 – Maintenance of highly valued natural features and landscapes	Amend	Note discrepancy between this policy and EIT-INF-P13. Different effects test in this policy for any activity in ‘highly valued landscape’ (equivalent of SNL), and in the INF policy for infrastructure in area of high amenity (also equivalent of SNL?). The INF policy is the stricter one, where infrastructure is not nationally or regionally significant.	Amend INF policies to clarify relationship with NFL policies.
182	NFL-P4 - Restoration	Support	The DCC supports this policy.	Retain Policy NFL-P4 as notified.
182/183	NFL-P5 – Wilding conifers	Support in principle	The DCC supports this policy in principle but see general comments in the first section of this submission regarding use of unqualified “avoid” in provisions.	Review all uses of unqualified “avoid” in policies.
183	NFL-P6 – Coastal features and landscapes	Support in principle	The DCC supports this policy in principle, but notes that it cross-references to CE-P6 – see comments on that policy above, including in relation to the use of unqualified “avoid” and of “avoiding, remedying or mitigating” in policy drafting	Consequential changes may be needed as a result of the relief sought on Policy CE-P6, see comments on that policy above.

183	NFL-M1 – Identification	Amend	Consequential changes may be needed as a result of the relief sought elsewhere in this section.	Make any consequential changes necessary to address any submissions on this section.
183	NFL-M3 – District plans	Amend	Consequential changes may be needed as a result of the relief sought elsewhere in this section.	Make any consequential changes necessary to address any submissions on this section.

UFD - Urban form and development

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are and I seek the following decision from the local authority:</i>
N/A	Overall comments on UFD	Amend	<p>This section of the RPS should be amended to achieve the following:</p> <ol style="list-style-type: none"> 1. Remove any duplication/paraphrasing of NPS-UD provisions where this does not add value; 2. Avoid reopening of matters that have been recently resolved in the current partially operative RPS 2019 unless necessary to achieve other items in this list; 3. Ensure that regional direction aligns and does not conflict with the direction on urban form and development within the recently developed and settled strategic directions that are included in the Dunedin City second generation District Plan (2GP). 4. Ensure that housing and business land capacity requirements for all medium or high growth areas can be met effectively under the RPS, including by providing for enough feasible development options and by effectively and efficiently facilitating any public or critical infrastructure or services necessary to support growth to operate, develop or expand. Provide clear guidance on how to reconcile any tensions between achieving the above objective with other regional objectives for example around highly productive land, management of natural hazards risk, or landscape protection. <p>It is noted that the partially operative RPS 2019 had one objective on urban growth and development and this has expanded to 5. Between the two versions, DCC prefers the operative Objective as it is clear and creates a clear objective to assess plan changes against as one would do for assessing a change against an objective in the same plan (s32). While s74 and s75 of the act provide more generic direction (giving effect to/having regard to) in practice it is helpful if an assessment against an RPS of a plan change can be done in a similar way (as to s32) in that it focuses on whether the change as a whole will achieve the objective and then whether it aligns with (is not contrary to) any policies in the RPS.</p> <p>It is also sought that objectives are written as end states as this makes it easier to assess them instead of descriptions of processes or activities (as is done in UFD-02 through 05) and do not stray into policy content (the 'how' to achieve the objective).</p> <p>Aligned with the comments above about objective content that is more appropriate as policy content. The DCC have concerns that the policy content is deficient in those matters and would not</p>

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			achieve the outcomes as expressed in the objectives because it's language is mostly about 'enabling' and providing for whereas to achieve many of the aspects covered by the objectives there is a requirement for managing (and restricting) development. Moving some of the objective content into clear policy direction around the type of management (and controls on) development required to achieve those outcomes will make the RPS a more effective document.	
186	UFD-01 – Form and function of urban areas	Amend	<p>This objective is very unclear. It is difficult to understand (based on the principles of good drafting outlined above) how a plan change could be assessed in terms of being appropriate or not in terms of this objective.</p> <p>It would be better to have a clear urban form objective that could form the basis of policy direction around the need for strategic planning.</p>	<p>Amend so the objective has a clear end state description that aligns with the strategic directions for Dunedin (as expressed in the 2GP). For example:</p> <p>Overall urban form objective</p> <p>The towns and cities in Otago have a compact and resilient urban form that supports a sustainable, safe and affordable transportation network and the efficient and sustainable delivery and operation of other critical infrastructure.</p>
186	UFD-02 - Development of urban areas	Amend	<p>Overall support the matters listed but as discussed above seek that the Objective be reworded as an end state and that the 'pitch' remains high level. As drafted the objective includes content that is more appropriate for policies (how to achieve) level (particularly clauses 5, 6, 7, 10, 11). The objective is also possibly trying to cover too much and should just focus on quality of the urban environment.</p> <p>It is desirable for urban development policies to link to other objectives in the RPS rather than try to have a shopping list of objectives that tries to cover matters that are covered in other RPS objectives. Policies should be drafted to look across the RPS objectives.</p> <p>It is noted that the suggestion to include the defined term of 'well-functioning urban environments' does create some repetition between the content of the definition and the rest of the matters listed,</p>	<p>Quality of the urban environment</p> <p>Amend the objective to read</p> <p>The towns and cities in Otago have <i>well-functioning urban environments</i>, that:</p> <ul style="list-style-type: none"> (1) provide good housing choice, quality, and affordability; (2) have liveable, safe and well-designed centres and neighbourhoods that support social, cultural and economic wellbeing; (3) have appropriate and adequate opportunities for business and community activities to establish and operate in a way that supports business and community needs and the overall urban form objective in UFD-01; and

			however, it also allows these elements to be highlighted.	(4) retain, and provide opportunities to celebrate and appreciate, significant heritage, natural environment and mana whenua values (5) have development opportunities which support the aspirations and values of mana whenua.
186/187	UFD-03 – Strategic planning	Amend	This is best included as a policy as this is more a how to achieve objectives rather than an objective	Combine into UFD-P1
187	UFD-04 – Development in rural areas	Amend	Overall support the range of matters expressed but this reads more as policy direction than an objective and would be clearer expressed as such. This content is better included as clear and directive policy content around the requirements for management and controls on land use, and development and subdivision to be used to achieve the objectives of the RPS (as a whole and including direction on how to resolve conflicts between competing strategic directions).	Amend content to be part of policies.
187	UFD-05 – Urban development and climate change	Amend	Overall support the range of matters expressed but this reads more as policy direction than an objective and would be clearer expressed as such. This content is better included as clear and directive policy content around the requirements for management and controls on land use, and development and subdivision to be used to achieve the objectives of the RPS (as a whole and including direction on how to resolve conflicts between competing strategic directions).	Amend content to be part of policies.
187	UFD-P1 – Strategic planning	Amend	Combine with UFD-03 and write as a ‘course of action’ rather than an outcome. The wording of ‘minimise’ risk to natural hazards is too strict as minimise means to reduce as far as	Reword as course of action. Undertake strategic planning processes at an appropriate scale and detail to direct and

			<p>possible which may be in conflict with other objectives. Some degree of risk will need to be acceptable in order to meet development capacity targets, particularly considering that many existing urban areas (where infrastructure is available) are subject to some degree of risk and cannot be sterilised from any future capacity.</p>	<p>facilitate urban growth and development in a way that:</p> <ul style="list-style-type: none"> (1) ensures there is sufficient development capacity supported by integrated infrastructure provision for Otago's housing and business needs in the short, medium and long term; (2) integrates land use and infrastructure planning, including how, where and when necessary; (3) development infrastructure and additional infrastructure will be provided, and by whom; (4) considers ways to increase resilience to and the ability to adapt to the potential effects of climate change; (5) considers ways to reduce to acceptable levels risk from natural hazards; (6) actively engages with all parts of the community; (7) provides opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values; (8) seeks to meet the objectives of the RPS; and <p>where there is conflict between objectives in this section and other objectives in the RPS, ensures that growth options are chosen that</p>
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				ensure adequate capacity and housing affordability that are most appropriate in terms of the other RPS objectives.
188	UFD-P2 – Sufficiency of development capacity	Oppose	Do not believe this policy is necessary in the context of other objectives and also do not support some of the policies referenced.	Delete Policy UDF-P2.
188	UFD-P3 - Urban Intensification	Amend	<p>Do not support the use of the word ‘enable’ which is too strong and risks plan changes that are not appropriate in terms of the objectives of the RPS or the strategic directions in District Plans being argued as needing to be approved based on this policy.</p> <p>The word ‘enable’ also creates tensions with the need to manage intensification to ensure a high-quality built environment based on good urban design principles and promotion of quality, healthy housing.</p> <p>The general content of this policy is an incomplete and somewhat random selection of factors that might be considered when assessing appropriate locations for intensification and it is the preference of the DCC that rather than an incomplete list the policy instead should just make reference back to objectives as this will ensure all matters are covered without the need for a long ‘shopping list’ of matters.</p>	<p>Reword to:</p> <p>Provide appropriate opportunities for intensification of housing or other development in existing urban areas where this will support the objectives of this RPS particularly Objective UFD-01 and UFD-02.</p> <p>OR if individual matters are wished to be highlighted then amend by wording it as:</p> <p>Provide appropriate opportunities for intensification of housing or other development in existing urban areas where this will support the objectives of this RPS particularly Objective UFD-01 and UFD-02; this will generally include areas that:</p> <ul style="list-style-type: none"> (a) are within walking distance of centres and frequent public transportation services; and (b) will be well-served by existing or planned development infrastructure and additional infrastructure.
188	UFD-P4 - Urban expansion	Amend	Similar to the above, the DCC are opposed to the use of the word ‘facilitated’ which is too strong and risks plan changes that are not appropriate in terms of the objectives of the RPS or the strategic directions in District Plans being argued as needing to be approved based on this policy	Provide appropriate opportunities for expansion of urban areas where the expansion will support the objectives of this RPS particularly Objective UFD-01 and UFD-02.

			<p>The word 'enable' also creates tensions with the goal of having a compact urban form and the need to manage urban expansion to ensure a high-quality built environment based on good urban design principles and promotion of quality, healthy housing.</p> <p>The general content of this policy is an incomplete and somewhat random selection of factors that might be considered when assessing appropriate locations for intensification. The DCC prefers that rather than including an incomplete list, that the policy instead makes reference back to the objectives as this will ensure all matters are covered without the need for a long 'shopping list' of matters.</p> <p>The DCC does not support the content in clause (7)(b)(c) as it is both difficult to understand and arguable getting too directive and is potentially too much detail for an RPS policy.</p> <p>It is noted that the proposed policy includes direction under other RPS objectives for example with regard to highly productive land. It is not that the DCC necessarily disagrees with these matters, it is more concerned with the risk with picking and choosing matters means inevitably matters missed out may be argued as unimportant.</p> <p>Overall, the DCC contends that the RPS should be drafted to provide a high-level framework that reinforces more detailed policy direction that is developed for each city/district. The RPS in many places is too wordy, too detailed and creates risk of confusion and frustration of plan making processes under it that should instead be focused on key objectives to be achieved and broad/ high level policy direction necessary to support those objectives.</p>	<p>OR if individual matters are wished to be highlighted amend the policy by wording it as:</p> <p>Provide appropriate opportunities for expansion of urban areas where the expansion will support the objectives of this RPS particularly Objective UFD-01 and UFD-02, this will generally include areas that:</p> <ol style="list-style-type: none"> (1) provide a logical and appropriately staged expansion of an existing urban area; (2) will be serviced by existing or planned development infrastructure and additional infrastructure; (3) will be developed in an efficient way; (4) provide a mix of housing types and price points; and (5) provide for a mix of land uses where this supports good urban form outcomes.
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188	UFD-P4 – Urban expansion	Amend	It is unsure what is meant by P4-(2) – Dunedin and Otago have a number of distributed settlements. Is adding to them considered sporadic? P4(6) – not appropriate for all areas of highly productive land to be always the first priority.	Delete UFD-P4(2). Amend UFD-P4(6) to allow for balancing with other objectives and policies.
N/A	New policy	Amend	New policy focused on implementing strategic planning processes as incorporated existing content on iwi involvement.	Require district plan changes to: (1) give effect to strategic spatial plans; (2) address issues of concern to iwi and hapū, including those identified in any relevant iwi planning document; (3) ensure involvement of mana whenua; and (4) provide for mana whenua values and aspirations.
189	UFD-P5 – Commercial activities UFD-P6 – Industrial activities	Delete or Amend	The DCC is not convinced it is necessary to have policies on commercial activities or industrial activities as these are arguably not a regionally significant issue nor ones that easily lend themselves to policy direction that will work well /be appropriate across all the diverse towns, settlements in the region and for the city of Dunedin. If deletion of these policies is not favoured it is requested that any policy direction aligns with the strategic directions policies in the 2GP with regards to its centres hierarchy and other direction with regard to the management of business land. Furthermore, similar to above the DCC contends that it is inappropriate to have a policy which focuses on a 'providing' and 'enabling' commercial activities or industrial activities in the context of an incomplete set of policy directions as this will lead to the strategic directions around the 2GP's centres hierarchy being undermined.	Delete or if that is not preferred re-focus on what management or controls on business land as a whole are needed to achieve overall urban form and function objectives, including providing support for city and district plans that contain a centres hierarchy objective. Provide appropriate and adequate opportunities for business and community activities to establish and operate in a way that: (1) supports the objectives of this RPS particularly Objective UFD-01 and UFD-02 and any centres hierarchy objectives set out in district or city plans (2) Supports the establishment, expansion and operation of industrial activities in industrial

			For the sake of clarity, the DCC does not support the existing content in these policies except to the degree that it has been reflected in the alternative wording suggested as some of the policy direction does not reflect good planning practice (at least in the context of Dunedin). It is particularly opposed to UFD-P6 clause (4) which the DCC believe will undermine appropriate policy direction in the Dunedin District Plan (2GP).	<p>zones, including by avoiding activities likely to result in reverse sensitivity effects on industrial activities or displacement of industrial activities.</p> <p>(3) Protects land strategically important for industrial activities, or that contains nationally or regionally significant infrastructure and the requirements of EIT-INF-P15 apply, from incompatible or competing land uses in these areas, in particular retail (other than yard-based retail) and residential activities.</p>
190	UFD-P7 – Rural areas	Amend	<p>Firstly, the DCC does not believe it is appropriate to have a policy of this type in a section on urban form and development. Instead it believes that aspects included in this policy may be more appropriately included under other objectives in the RPS.</p> <p>There are a number of risks and problems with the wording in this policy which are outlined in the next column that must be addressed.</p>	<p>Delete policy and move aspects under other objectives as appropriate to achieving those objectives noting the following:</p> <p>Clause (1) – the definition of ‘important features and values’ needs to be reasonably clear and there needs to be some way of reconciling any conflict where their maintenance conflicts with other objectives. Why would these areas be excluded from the requirement to maintain amenity and character in (2)?</p> <p>Clause (2) - it is inappropriate to require maintenance for amenity and character in all circumstances as inevitably development in rural areas (including where it is identified as a suitable growth area) can mean these values are changed or lost to achieve other strategic objectives.</p>

				<p>Clause (3) Support this concept but think it sits better under an objective focused on rural productivity.</p> <p>Clause (4) It is inappropriate to 'facilitate' rural industry in every location, for example it may be inappropriate directly adjacent to residential land, in areas that have important biodiversity values or other significant values or where it conflicts with other surrounding land uses;</p> <p>Clause (5) Support this concept and would support this being including as part of UFD-P8.</p> <p>Clause (6) Support this concept but think it sits better under an objective focused on rural productivity.</p> <p>Clause (7) Support this concept but think it sits better under an objective focused on rural productivity.</p>
190	UFD-P8 – Rural lifestyle and rural residential zones	Amend	<p>Overall, it is not helpful to have a policy directing where rural residential activity (which the 2GP defines as activity with a minimum size of 2ha per site) should occur. It may instead be helpful to encourage the efficient use of land and maintenance of options for future growth and say where 'generally' large lot and rural residential activity shouldn't occur.</p> <p>Rural lifestyle / rural residential activities generally shouldn't be adjacent to existing urban areas – this would reduce land available for future urban extension as conversion of land in multiple ownership is difficult to develop in a strategically integrated way and often makes provision of transportation and other infrastructure effectively or</p>	<p>Delete provision.</p> <p>If not deleted, make the following amendments:</p> <p>Provide appropriate opportunities for rural residential or 'hobby farm' activities where this does not conflict with the objectives of this RPS particularly Objectives UFD-01 and UFD-02 and where these activities are directed to areas zoned for that purpose.</p> <p>In identifying areas appropriate for new rural residential zoning avoid areas:</p> <p>(1) where development at this scale will conflict with other objectives in this RPS</p>

			efficiently very difficult. For these reasons DCC is opposed to clause (1). DCC also generally don't support the content in clause (5) as generally too much detail and more appropriately covered simply by reference to the appropriate objectives.	(2) where land is identified for, or may be appropriate for, future urban expansion; (3) that may give rise to significant reverse sensitivity effects; and (4) of highly productive land identified in accordance with LF-LS-P16.
191	UFD- P9 - Iwi, hapū and whānau	Amend	This policy is flawed in that many of the areas mentioned do not and will not have networked 'development infrastructure' in place or planned as they are in rural zones. The word 'facilitate' is also unusual as a policy term and its meaning is unclear. Should it be 'provide for'? There will be conflicts with development in these locations and other objectives in the RPS (and in District and City plans) that need to be reconciled either through the RPS or noted for assessment when balancing this policy with other objectives and policies. The policy wording should be clear for the need for that balance to occur.	Amend to address issues identified.
191	UFD-P10 – Criteria for significant development capacity	Amend	This policy must be written in a way that ensures that this policy cannot be used to undermine any strategic directions in a relevant district plan, including the Dunedin City 2GP. It is suggested that it is split into two policies: one that focuses more specifically on the requirement in NPS-UD Policy (3); and the other that focuses on the appropriateness of the plan change proposal.	Reword as follows and focus more specifically on the requirement in NPS-UD Policy (3). Other aspects of the merits of a plan change proposal (rather than whether it adds significantly to development capacity) should be incorporated into other policies and the objectives as outlined above or into a new policy as shown below. <u>When assessing a plan change that may provide significant development capacity that is not otherwise enabled in an operative or proposed plan (or plan variation) or is not in sequence with planned land release, have particular regard to the</u>

				<p><u>following when assessing if the plan change will add significant development capacity:</u></p> <p>(1) <u>taking into account any capacity that has been added through a plan change or plan variation process</u>, the proposal makes a significant contribution to meeting a need identified in a Housing and Business Development Capacity Assessment, or a shortage identified in monitoring for:</p> <p>(a) housing of a particular price range or typology, particularly more affordable housing,</p> <p>(b) business space or land of a particular size or locational type, or</p> <p>(c) community or educational facilities, and</p> <p>(5) when considering the significance of the proposal's contribution to a matter in (4), this means that the proposal's contribution:</p> <p>(a) is of high yield relative to either the forecast demand or the identified shortfall,</p> <p>(b) will be realised in a timely (i.e. rapid) manner,</p> <p>(c) is likely to be taken up, and</p> <p>(d) will facilitate a net increase in district-wide up-take in the short to medium term.</p>
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				<p><u>Have regard to the following when assessing whether to adopt or support proposals for plan changes, whether:</u></p> <p>(1) 'Significant development capacity' is provided for in accordance with Policy UFD- P10;</p> <p>(2) the location, design and layout of the proposal will positively contribute to achieving a <i>well- functioning urban environment</i>,</p> <p>(3) the proposal is well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors,</p> <p>(4) required <i>development infrastructure</i> can be provided effectively and efficiently for the proposal, and without material impact on planned <i>development infrastructure</i> provision to, or reduction in <i>development infrastructure</i> capacity available for, other feasible, likely to be realised developments, in the short-medium term;</p> <p>(5) <u>it aligns with any current Spatial Plan or Future Development Strategy for the city or district; and</u></p> <p>(6) <u>whether it supports the objectives of this RPS and any strategic objectives and policies of the relevant district plan.</u></p>
192	UFD-M1 – Strategic planning	Amend	Is this section necessary as it does not add to NPS-UD?	Delete UFD-M1.
192	UFD-M2 – District plans	Amend	Is this section necessary as it does not add to NPS-UD?	Delete UFD-M2.
190	UFD-M3 – Design of public spaces and surrounds	Amend	It is unclear what policy or objective this method is linked to or why this statement (which reads like a	Delete or if not deleted amend in such a way that it is a method clearly linked to an

			<p>policy rather than a method to implement a policy) is included.</p> <p>It is also noted that it misses:</p> <ul style="list-style-type: none"> • Public spaces that are designed / created privately, e.g. part of subdivision • Roads managed by Waka Kotahi 	<p>objective and policy in this section (and in a way that aligns with the DCC submissions on those items).</p>
195/197	UFD-PR1 - Principal reasons	Amend		<p>Make all amendment necessary to align with the DCC submission on the rest of this sections.</p> <p>Amend so this section gives greater recognition to relative roles and responsibilities for growth planning being between territorial authorities and regional councils. Make note that territorial authorities are the primary entity responsible for many aspects of growth management and the importance of district plan setting strategic directions for growth and urban form. Note that management of most land use and development consents and responsibility for delivery of most infrastructure lies with territorial authorities but also note the important role the ORC plays in being a provider of public transport services, hazards mitigation, and the overlay with issues managed at the regional level particularly in terms of freshwater outcomes and air quality. Discuss how the NPS-UD sets out requirements for regional councils to be part of the urban growth planning and how the RPS content reflects that and the need to manage any regionally significant issues (and what those are) and how that is reflected in the content of the RPS.</p>

196/197	UFD - Anticipated environmental results	Amend	<p>UFD – AER5: It is not clear how ‘the majority’ will be measured, is this across the region? This may be difficult for parts of the region that are outside major towns and cities including rural parts of Dunedin.</p> <p>UFD – AER6: this needs to be modified to recognise the need for options for these travel modes to be realistic – as above, this may be difficult for parts of the region that are outside major towns and cities including rural parts of Dunedin.</p> <p>UFD – AER 7 Do not support the wording of “minimal risk” as this is far too strict and will make development opportunities to difficult in many locations and not meet the objectives of this section.</p> <p>UFD-AER9 - Amend provision to provide greater clarity and measurability around ‘more affordable’.</p> <p>UFD-AER10 – this needs to be qualified to also meet the objectives of the RPS and any relevant objectives of district plans.</p> <p>UFD-AER11 – this is an unrealistic expectation as in reality there are a number of small rural sites (e.g. 15ha to 60 ha) across the region (especially in Dunedin) and it is impossible to stop their conversion to ‘hobby farming’ from commercial farming. Alternative wording is suggested.</p>	<p>UFD–AER6 The mode share and use of <i>active transport</i> and <i>public transport</i> increases, <u>for trips where travel distances allow and facilities or services to support these modal options are present.</u></p> <p>UFD–AER10 The current and future needs of business are met by the availability of a range of opportunities for <i>land</i> and space that meets their requirements <u>and the objectives of this RPS and any relevant objectives of district plans.</u></p> <p>UFD–AER11 All New rural residential or rural lifestyle development <u>is directed towards</u> occurs <u>within</u> areas zoned for this use</p>
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CONCESSION LICENCE FOR WAIKOUAITI GOLF CLUB INCORPORATED

Department: Parks and Recreation

EXECUTIVE SUMMARY

- 1 This report discusses an application by Waikouaiti Golf Club Incorporated (“the golf club”) for a Concession Licence to operate the Waikouaiti Golf Course situated at 210 Edinburgh Street, Waikouaiti on land being part of the Waikouaiti Domain.
- 2 Waikouaiti Domain is:
 - a) Owned by the Crown and held by the Department of Conservation (DOC) as Recreation Reserve.
 - b) Controlled and managed by the Council on behalf of the Minister of Conservation.
- 3 Due to the legislative status of the Waikouaiti Domain, a non-commercial concession licence, rather than a lease, pursuant to the Reserves Act 1977 is required in this case.
- 4 Council is authorised to decide, on behalf of the Minister of Conservation, whether it will grant a Concession Licence to the golf club in respect of part of the Waikouaiti Domain.
- 5 The golf club is seeking a new concession licence for a fifteen-year term. Public notification has been undertaken with no submissions received.
- 6 This report recommends that a Concession Licence be granted upon similar terms and conditions to those of the previous licence, which reflect terms for concessions used by the Department of Conservation (DOC) in relation to Crown owned reserves.

RECOMMENDATIONS

That the Council:

- a) **Grants**, under its delegation from the Minister of Conservation dated 12 June 2013 and pursuant to section 59A (1) of the Reserves Act 1977 (in accordance with Part 3B Conservation Act 1987), a Concession Licence in respect of part of the Waikouaiti Domain to Waikouaiti Golf Club Incorporated, upon the terms and conditions outlined in this report.
- b) **Notes** that public notification of the proposed Concession Licence has been undertaken and that no submissions were received.

BACKGROUND

- 7 The golf club has operated its club and facilities from the same area of the Waikouaiti Domain since 1963. The club has a current membership of 118 and hosts around 700 visiting golfers each year. Golf is played on the course in daylight hours all year round.
- 8 Previously, the golf club held a fourteen year concession licence which commenced on 1 March 2007 and expired on 28 February 2021. The golf club has continued in occupation of the land since the licence expiry with the support of Council's Parks and Recreation staff.

Current Application

- 9 The golf club is applying to Council for a Concession Licence to continue its occupation of part of Waikouaiti Domain. The application relates to the land shown on the aerial photo attached as Attachment A. The application is for the establishment and operation of a golf course and clubhouse and activities related to the operation of a nine hole golf course.
- 10 The golf club maintains the golf course as an open green space with members of the public able to play golf on the course according to the rules of the game and subject to the golf club's rules for the management and control of the golf course and the conduct of persons participating in golf.

Land Status and Ownership

- 11 The land on which the golf course is located is at 210 Edinburgh Street, Waikouaiti. It is owned by the Crown but controlled and managed by the Council on behalf of the Minister of Conservation.
- 12 The legal description for the land occupied by the golf club is parts Section 1, and Section 2, Block LXXIV Town of Hawksbury and comprises 58.5413ha in total. The land is part of the Waikouaiti Domain and administered as recreation reserve subject to the Reserves Act 1977 (New Zealand Gazettes 1888 page 1347 and 1966 page 604).
- 13 The golf club occupies and has applied for a concession licence for approximately 21.72ha of the Waikouaiti Domain, as shown on Attachment A.

Council's authority for considering the Golf Club's Concession Licence Application

- 14 Under section 59A (1) of the Reserves Act 1977, the Minister of Conservation may, in accordance with Part 3B of the Conservation Act 1987, grant a Concession Licence in respect of any reserve vested in the Crown.
- 15 The Minister of Conservation has delegated her powers under section 59A (1) of the Reserves Act 1977 to local authorities where the local authority has the control and management of a reserve. This delegation is in the Instrument of Delegation dated 12 June 2013.

Use of DOC's Concession Licence methodology

- 16 The processing of this Concession Licence is being managed by Council under its delegated authority from the Minister of Conservation. Council officers are using the same concession licensing approach that would be used had DOC processed the application and been the grantor of the proposed Concession Licence. Rent however is being assessed using Council's usual

Reserves Rent Formula which is adopted for its leases to sport, recreation and community groups occupying reserve or park land.

- 17 The alternative would have been to request DOC to undertake the processing of this concession application, although Council is not bound to do so. That approach may have incurred additional time and cost implications.

Relevant Reserve Management Plans

- 18 The **Reserves Management Plan – General Policies (March 2005)** covers all basic issues of the day-to-day administration of reserves managed by Council including that part of the Waikouaiti Domain occupied by the golf club.
- 19 There is no specific management plan for this part of the Waikouaiti Domain.

Part 3B of the Conservation Act 1987

- 20 In deciding whether to grant a non-commercial Concession Licence under section 59A (1) of the Reserves Act 1977, Council must act in accordance with Part 3B of the Conservation Act 1987.
- 21 Under Part 3B of the Conservation Act 1987:
- a) With limited exceptions, no activity shall be carried out in a conservation area unless authorised by a concession.
 - b) The Council *must* publicly notify a Concession Licence for a term (including renewals) of more than ten (10) years.
 - c) The Council *may* publicly notify a Concession Licence for a period of ten (10) years or less if it considers it appropriate to do so.
 - d) In considering an application for a Concession Licence, the Council shall have regard to the matters set out in section 17U of the Conservation Act 1987, including the nature of the activity, the type of structure to be constructed if any, the effects of the activity and any measures that can reasonably and practicably be undertaken to avoid, remedy or mitigate any adverse effects of the activity.
 - e) The Council must not grant a Concession Licence to build a structure where it is satisfied that the activity could reasonably be undertaken in another location or the activity could reasonably use an existing structure or facility.
- 22 If the Council grants a Concession Licence, there is no additional requirement to obtain the Minister of Conservation's consent.

Potential Effects on the Reserve

- 23 As this is a long established existing use and the concession licence sought is for activities of the same type and scale and intensity as previously, any potential adverse effects would be minimal. The nature of the activity is such that generally public access is not interrupted. The key exception is that members of the public wanting to play golf are required to do so according to the rules of play set by the golf club.

- 24 The golf club provides a recreational opportunity which is common in rural communities and which makes use of a large expanse of recreational land for which other uses, aside from stock grazing, would be difficult to find.
- 25 The Council's Parks and Recreation Team considers that the existence and operation of the Waikouaiti Golf Club on the recreation reserve is an acceptable use, with effects of the activity considered to be minimal, and reversible should the golf club cease.

Proposed Concession Licence Terms and Conditions

- 26 Council officers have prepared a draft Concession Licence using DOC's standard Concession Licence form (Attachment B).

Key Elements

- 27 The key elements of the proposed Concession Licence are:

Statute	Section 59A (1) of the Reserves Act 1977, in accordance with Part 3B of the Conservation Act 1987.
Concessionaire	Waikouaiti Golf Club Incorporated
Land/Reserve	Part Waikouaiti Domain located at 210 Edinburgh Street, Waikouaiti
Purpose	Concession Licence authorising the establishment and operation of a Golf Course and clubhouse and activities related to the operation of a nine hole golf course.
Term	Ten (10) years from 1 March 2021
Renewal	Five (5) years from 1 March 2031
Final Expiry Date	28 February 2036
Annual Licence Fee	\$3,282.00 plus GST payable in quarterly instalments, commencing from 1 July 2021
Fee Review Dates:	Yearly on 1 st July, in line with the percentage increase or decrease of the Dunedin City Council general and community services rates.

Public Notification Requirements

- 28 Given that the proposed Concession Licence is for a total term of more than 10 years (10 + 5), Council was required to publicly notify the intention to Grant a Concession Licence to the golf club. That notification was undertaken between 2 June 2021 and 16 July 2021 with a Notice in the Otago Daily Times. No submissions were received.

OPTIONS (COUNCIL AS ADMINISTERING BODY AND ACTING UNDER DELEGATION FROM THE MINISTER OF CONSERVATION)

- 29 While Council could elect to refer this Concession Licence application to the Minister of Conservation (DOC) for a decision, Council officers have not considered this option in any detail as Council has been appointed to control and manage the reserve and has the delegation from the Minister to make this decision. A referral to DOC would mean additional cost and time delay for the golf club.

Option One – Recommended Option

- 30 That the Council grants, under its delegation from the Minister of Conservation dated 12 June 2013 and pursuant to section 59A (1) of the Reserves Act 1977 (in accordance with Part 3B Conservation Act 1987), a Concession Licence in respect of part of the Waikouaiti Domain to Waikouaiti Golf Club Incorporated, upon the terms and conditions outlined in Attachment B of this report.
- 31 Notes that public notification of the proposed Concession Licence was undertaken as the recommended Concession Licence is for more than ten years, and there were no submissions received.

Advantages

- Being managed as public recreation reserve, there presently are no other intended uses for the area of Waikouaiti Domain occupied by the golf course since 1963.
- The Concession Licence would allow the public to continue to participate in the sport of golf at the Waikouaiti Domain.
- The concession will not adversely affect the condition of the Waikouaiti Domain where the golf course is located as it is a long established recreational activity on the reserve.
- The public generally would not be adversely affected in their appreciation and enjoyment of the reserve.
- Granting the concession will ensure that the golf club continues to manage and maintain the area in a tidy state suitable for the sport of golf.

Disadvantages

- Should Council have a need for the land for another purpose, then the requirements for seeking termination of the concession licence would need to be activated.

Option Two – Do Not Grant the Concession

- 32 That the Council does not grant, under its delegation from the Minister of Conservation dated 12 June 2013 and pursuant to section 59A(1) of the Reserves Act 1977 (in accordance with Part 3B Conservation Act 1987), a Concession Licence in respect of part of the Waikouaiti Domain to Waikouaiti Golf Club Incorporated.

Advantages

- None identified.

Disadvantages

- The part of Waikouaiti Domain occupied by the golf course would revert to pasture and Council would need to look at how it would effectively manage this large area. A grazing licence is the most likely option given there is no immediate requirement for the reserve land to be used differently.

- There is the potential for adverse publicity as a result of the Council (in its capacity as the administering body of the reserve) reaching a decision which would result in the loss of a long established and valued community recreation and social facility.

NEXT STEPS

- 33 If the Council approves the granting of this Concession Licence, Waikouaiti Golf Club Incorporated will be advised of the decision and offered a Concession Licence. Subject to acceptance by the golf club, the concession can then be finalised prior to arranging for it to be executed by both parties.

Signatories

Author:	Owen Graham - Senior Leasing and Land Advisor
Authoriser:	Scott MacLean - Group Manager Parks and Recreation Simon Pickford - General Manager Community Services

Attachments

	Title	Page
A	Waikouaiti Golf Club Concession Licence area	131
B	Draft Concession Licence Waikouaiti Golf Club	132

SUMMARY OF CONSIDERATIONS
Fit with purpose of Local Government

This decision enables democratic local decision making and action by, and on behalf of communities and supports the social well-being of a small local community in the present and for the future.

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Spatial Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Integrated Transport Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks and Recreation Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The concession is for the operation of a golf course in the small community of Waikouaiti. This recreation activity contributes to both the Social Wellbeing and Parks and Recreation Strategy.

Māori Impact Statement

There are no known impacts for Maori.

Sustainability

The golf course concession activity has a low impact on the Waikouaiti Domain having been established here since 1963. It is not expected to have any significant long-term implications (economic, social, and environmental) provided the terms of the concession are being met.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no implications for the LTP or the Annual Plan. There are no implications for current levels of service or performance measures.

Financial considerations

Waikouaiti Golf Club Inc. has met all its financial obligations to Council under its previous concession arrangements. An annual concession fee in line with Council's reserves rent formula will continue to be payable. There are no financial implications for Council.

Significance

This decision is of low significance in terms of the Council's Significance and Engagement Policy.

Engagement – external

The proposal to grant a concession licence has been the subject of public notification and did not attract any submissions.

Engagement - internal

Parks and Recreation staff have been involved during the public notification phase and this Concession Licence stage. Council's In-house Legal Team has reviewed the Report and draft Concession Licence.

SUMMARY OF CONSIDERATIONS

Risks: Legal / Health and Safety etc.

There are no risks associated with the decision. All work that affects the reserve needs to be approved by Council.

Conflict of Interest

There are no known conflicts of interest.

Community Boards

The Waikouaiti Domain is part of a Waikouaiti Coast Community Board area. The proposed concession Licence has been discussed with the Chair of the Board who supports granting the Licence.



Concession Licence

Ref: part Waikouaiti Domain Recreation Reserve

THIS LICENCE is made this day of 2021

PARTIES:

Dunedin City Council (the Grantor)

The Waikouaiti Golf Club Incorporated (226605) (the Concessionaire)

BACKGROUND

- A.** The Grantor is an administering body under Section 28 of the Reserves Act 1977 to control and manage the Waikouaiti Domain Recreation Reserve.
- B.** The Grantor administers the Land described in Item 1 of Schedule 1.
- C.** The instrument of delegation for territorial authorities dated 12 June 2013 signed by the Minister of Conservation delegates such powers, functions and duties to an administering body appointed under Section 28 of the Reserves Act 1977 to grant or refuse a concession over the Land. The delegation under Section 59A(1) of the Reserves Act 1977 reads "*In accordance with Part IIIB Conservation Act 1987, grant or refuse a concession in respect of any reserve controlled or managed by an administering body under s.28 Reserves Act so that the administering body may apply Part IIIB as if references in that Part to a conservation area were references to such a reserve and references to the Minister of Conservation and to the Director-General of Conservation are references to an administering body.*"
- D.** This delegation authorises the Grantor to grant a concession over the Land described in Item 1 of Schedule 1.
- E.** The Concessionaire wishes to carry out the Concession Activity on the Land subject to the terms and conditions of this Concession.
- F.** The Concessionaire acknowledges that the Land may be the subject of Treaty of Waitangi claims.
- G.** The parties wish to record the terms and conditions of this Concession and its Schedules.

OPERATIVE PARTS

- H.** In exercise of the Grantor's powers under the legislation the Grantor **GRANTS** to the Concessionaire a **LICENCE** to carry out the Concession Activity on the Land subject to the terms and conditions contained in this Concession and its Schedules.

DCC PARS Concession No.: 2021/001

<p>_____</p> <p>SIGNED on behalf of the Minister of Conservation by Dunedin City Council acting under delegated authority</p> <p>The Common Seal of The Dunedin City Council as Grantor was hereto affixed in the presence of:</p> <p>_____</p> <p>Mayor</p> <p>_____</p> <p>Councillor</p>	<p>_____</p> <p>SIGNED on behalf of the The Waikouaiti Golf Club Incorporated in the presence of:</p> <p>_____</p> <p>Witness Signature</p> <p>Witness Name: _____</p> <p>Witness Occupation: _____</p> <p>Witness Address: _____</p>
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SCHEDULE 1

1.	Land (clause 2)	<p>As shown outlined on the attached aerial photo in Schedule 4 (but excluding any buildings, structures and associated equipment required for the operation of the golf course, which is owned by the concessionaire) being:</p> <p>Physical Description: Golf course being part of Waikouaiti Domain Recreation Reserve situated at 210 Edinburgh Street, Waikouaiti, Dunedin.</p> <p>Land Status: Recreation Reserve and land held for recreation purposes being Part of the Waikouaiti Domain, held by the Department of Conservation on behalf of HMQ.</p> <p>Dunedin City Council appointed to control and manage as recreation reserve subject to the Reserves Act 1977.</p> <p>NZ Gazettes 1888 p 1347 and 1966 p 604</p> <p>Area to be occupied: approximately 21.72 ha approx.</p> <p>Legal Description: Parts Section 1 and Section 2, Block LXXIV Town of Hawksbury</p>
2.	Concession Activity (clause 2)	The establishment and operation of a Golf Course and clubhouse and activities related to the operation of a golf course on the Land – and as more specifically set out in Schedule 3.
3.	Term (clause 4)	Ten (10) years commencing on 1 March 2021
4.	Renewal(s) (clause 4)	One (1) further term of five (5) years from 1 March 2031
5.	Final Expiry Date (clause 4)	28 February 2036
6.	Concession Fee (clause 5)	\$3,282.00 per annum plus GST payable from 1 July 2021.
7.	Concession Fee Payment Date(s) (clause 5)	Payable in quarterly instalments.
8.	Penalty Interest Rate (clause 5)	Double the current Official Cash Rate (OCR), see Reserve Bank of New Zealand website

9.	Concession Fee Review Date(s) (clause 6)	Yearly, in line with the percentage increase or decrease of the Dunedin City Council annual general rates.
10.	Insurance (To be obtained by Concessionaire) (clause 13)	Public Liability Insurance for: General indemnity for an amount no less than \$1,000,000.00 Other insurances as necessary Subject to review on each Concession Fee Review Date
11.	Health and Safety (clause 14)	A current Health and Safety Plan if requested
12.	Addresses for Notices (clause 25)	The Grantor's address is: Dunedin City Council Ground floor, Civic Centre 50 The Octagon Dunedin Ph: 03 477 4000 Email: dcc@dcc.govt.nz
		The Concessionaire's address in New Zealand is: Waikouaiti Golf Club Inc. PO Box 8 Waikouaiti 9541 Phone: 027 465 7129 Email: waikouaitigolf@gmail.com
13.	Special Conditions (clause 33)	See Schedule 3
14.	Processing Fee (clause 5)	\$50.00 + GST payable on invoice issued by the Grantor.
15.	Outgoings	<ol style="list-style-type: none"> 1 All costs for rubbish collection and recycling. 2 All costs incurred in complying with the requirements contained in any Compliance Schedule relating to systems and facilities provided in any Building on the Land and in obtaining an annual Warrant of Fitness for any Building on the Land. 3 New Zealand Fire Service charges and all costs of installing, maintaining and servicing fire detection and firefighting equipment. 4 All costs of cleaning, maintenance, replacement and repair of any Building on the Land (including the roof)

		including charges for repainting and decorative repairs and replacement. 5 Replacement and repair of building services, Grantor Fixtures and Fittings and Grantor Chattels located on the Land. 6 All costs of providing consumable supplies for toilets and other common facilities (if any).
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Note: the clause references are to the Grantor's Standard Terms and Conditions of Licence set out in Schedule 2

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SCHEDULE 2

STANDARD TERMS AND CONDITIONS OF LICENCE

1. Interpretation

- 1.1 Where the Grantor's consent or approval is expressly required under a provision of this Concession, the Concessionaire must seek the consent or approval of the Grantor for each separate occasion it is required notwithstanding that the Grantor has granted consent or approval for a like purpose on a prior occasion.
- 1.2 The Concessionaire is responsible for the acts and omissions of its employees, contractors, agents, clients and invitees (excluding other members of the public accessing the Land). The Concessionaire is liable under this Concession for any breach of the terms of the Concession by its employees, contractors, agents, clients and invitees (excluding other members of the public accessing the Land), as if the breach had been committed by the Concessionaire.
- 1.3 Where this Concession requires the Grantor to exercise a discretion or give any approval or provides for any other actions by the Grantor, then the Grantor must act reasonably and within a reasonable time. When a consent is required under this Concession such consent must not be unreasonably withheld.
- 1.4 Where this Concession provides for approvals, directions, reports and consents to be given by one party to the other, those approvals, directions, reports and consents must be given by notice in writing and clause 25 of this Schedule is to apply.
- 1.5 The covenants and powers contained in Part 2 of Schedule 3 of the Property Law Act 2007 are not to be implied in this Concession and are expressly negated.

2. What is being authorised?

- 2.1 The Concessionaire is only allowed to use the Land for the Concession Activity.
- 2.2 The Concessionaire must exercise reasonable skill, care and diligence in carrying out the Concession Activity, in accordance with standards of skill, care and diligence normally practised by suitably qualified and experienced people in carrying out such activities.
- 2.3 The Concessionaire must provide the Grantor with evidence of the competency and qualifications of its employees and contractors if the Grantor so requests.
- 2.4 The Concessionaire must not commence the Concession Activity until the Concessionaire has signed the Concession Document and returned one copy of this Document to the Grantor, as if it were a notice to be given under this Concession.

3. What about quiet enjoyment?

- 3.1 The Concessionaire, while paying the Concession Fee and performing and observing the terms and conditions of this Concession, is entitled peaceably to hold and enjoy the Land and any structures and facilities of the Grantor without hindrance or interruption by Grantor or by any person or persons claiming under the Grantor until the expiration or earlier termination of this Concession.
- 3.2 Provided reasonable notice has been given to the Concessionaire the Grantor, its employees and contractors may enter the Land to inspect the Land and facilities, to carry out repairs and to monitor compliance with this Concession.

4. How long is the Concession for - the Term?

- 4.1 This Concession commences on the date set out in Item 3 of Schedule 1 and ends on the Final Expiry Date specified in Item 5 of Schedule 1.
- 4.2 If there is a right of renewal, then the Grantor at the Concessionaire's cost must renew the Term for a further period as set out in Item 4 of Schedule 1 provided the Concessionaire:
 - (a) gives the Grantor at least three month's written notice before the end of the Term, which notice is to be irrevocable, of the Concessionaire's intention to renew this Concession; and
 - (b) at the time notice is given in accordance with this clause the Concessionaire is not in breach of this Concession.
- 4.3 The renewal is to be on the same terms and conditions expressed or implied in this Concession except that the Term of this Concession plus all further renewal terms is to expire on or before the Final Expiry Date.

5. What are the fees and when are they to be paid?

- 5.1 The Concessionaire must pay the Processing Fee (Item 15 of Schedule 1) to the Grantor in the manner directed by the Grantor.
- 5.2 The Concessionaire must pay to the Grantor in the manner directed by the Grantor the Concession Fee and any other payment comprised in the Total Payment specified in Item 6 of Schedule 1 in the instalments and on the Concession Fee Payment Date specified in Item 7 of Schedule 1.
- 5.3 If the Concessionaire fails to make payment within 14 days of the Concession Fee Payment Date, then the Concessionaire is to pay interest on the unpaid Concession Fee from the Concession Fee Payment Date until the date of payment at the Penalty Interest Rate specified in Item 8 of Schedule 1.

6. When can the fee be reviewed?

- 6.1 The Grantor will review the Concession Fee on the Concession Fee Review Date.
- 6.2 The new Concession Fee must not be less than the Concession Fee payable during the year preceding the Concession Fee Review Date and is to be the Concession Fee payable by the Concessionaire from the Concession Fee Review Date.
- 6.3 Until determination of the new Concession Fee, the Concession Fee payable by the Concessionaire from the Concession Fee Review Date is to be the Concession Fee payable during the year preceding. On determination of the new Concession Fee an adjustment is to be made and paid, either by the Grantor or by the Concessionaire, whichever is applicable.

7. Are there any other charges?

- 7.1 The Concessionaire must pay all levies, rates and other charges, including utility charges payable in respect of the Land or for the services provided to the Land which relate to the Concessionaire's use of the Land or the carrying on of the Concession Activity.
- 7.2 The Grantor is not liable for any cost incurred in re-establishing the supply of any utilities in the event of any of them becoming unavailable for any reason.

- 7.3 Where the Grantor has paid such levies, rates or other charges the Concessionaire must on receipt of an invoice from the Grantor pay such sum to the Grantor within 14 days of receiving the invoice. If payment is not made within the 14 days, then the Concessionaire is to pay interest on the unpaid sum from the date payment was due until the date of payment at the Penalty Interest Rate specified in Item 10 of Schedule 1.

8. When can the Concession be assigned?

- 8.1 The Concessionaire must not transfer, sub licence, assign, mortgage or otherwise dispose of the Concessionaire's interest under this Concession or any part of it (which includes the Concessionaire entering into a contract or any other arrangement whatsoever whereby the Concession Activity would be carried out by a person (called the assignee) other than the Concessionaire) without the prior written consent of the Grantor.
- 8.2 The Grantor may in the Grantor's discretion decline any application for consent under clause 8.1.
- 8.3 Sections 17P, 17S, 17T, 17U, 17W, 17X, 17ZB and 17ZC of the Conservation Act 1987 apply to applications for consent under this clause unless the Grantor, in the Grantor's discretion, decides otherwise.
- 8.4 If the Grantor gives consent under this clause then the Concessionaire remains liable to observe and perform the terms and conditions of this Concession throughout the Term and is to procure from the Assignee a covenant to be bound by the terms and conditions of this Concession.
- 8.5 The Concessionaire must pay the costs reasonably incurred by the Grantor incidental to any application for consent, whether or not such consent is granted.
- 8.6 If the Concessionaire is not a publicly listed company then any change in the shareholding of the Concessionaire altering the effective control of the Concessionaire is to be deemed to be an assignment and requires the consent of the Grantor.

9. What are the obligations to protect the environment?

- 9.1 The Concessionaire must not cut down or damage any vegetation; or damage any natural feature or historic resource on the Land; or light any fire on the Land without the prior consent of the Grantor.
- 9.2 The Concessionaire must at its cost keep the Land in a clean and tidy condition and free of weeds and all organisms specified as pests in a relevant pest management strategy.
- 9.3 The Concessionaire must not store hazardous materials on the Land nor store other materials on the Land where they may obstruct the public or create a nuisance.
- 9.4 If directed by the Grantor, the Concessionaire must take all steps necessary to control, or, at the Grantor's option, contribute to the cost of controlling any pest, insect or rodent infestation occurring in or emanating from the Land or any structure or facility on the Land, and if directed by the Grantor, engage a pest exterminator approved by the Grantor.
- 9.5 The Concessionaire must make adequate provision for suitable sanitary facilities for the Land if directed by the Grantor and for the disposal of all refuse material and is to comply with the reasonable directions of the Grantor in regard to these matters.
- 9.6 The Concessionaire must keep all structures, facilities and land alterations and their surroundings in a clean and tidy condition. If reasonably directed by the Grantor the

Concessionaire must paint all structures and facilities in colours approved by the Grantor and with paints of a type approved by the Grantor.

- 9.7 If, during the Term, the Concessionaire removes a structure or facility from the Land the Concessionaire must, unless the Grantor directs otherwise, repair and make good at its own expense all damage which may have been done by the removal and must leave the Land in a clean and tidy condition.
- (a) The Concessionaire must not bury any toilet waste within 50 metres of a water source on or adjacent to the Land.

10. What about Environmental/Activity Monitoring?

- 10.1 The Concessionaire must, during the Term, if the Grantor so directs, undertake a programme to monitor and report on the environmental effects of the Concessionaire's use of the Land and conduct of the Concession Activity.

11. When can new structures be erected, or land alterations occur?

- 11.1 The Concessionaire must not erect, alter or bring on to the Land any building, structure or storage container not authorised in Schedule 3 nor alter the Land in any way without the prior approval of the Grantor (including minor earthworks).
- 11.2 In giving approval under clause 11.1 the Grantor may, in the Grantor's sole and absolute discretion, impose any reasonable terms and conditions, including a review of the Concession Fee, as the Grantor considers appropriate under this clause; and may also decline the grant of such approval after consideration of the relevant conservation and environmental issues.
- 11.3 The Concessionaire must pay to the Grantor all costs associated with applications for approval under this clause determined at the standard rates then applying in the Department for cost recovery of staff time and expenses.
- 11.4 The Concessionaire must, upon request by the Grantor, submit written engineering or building plans and details to the Grantor for approval before:
- (a) erecting new structure or altering any structure on the Land;
- (b) altering the Land in any way.
- 11.5 The Concessionaire must at all times where a building warrant of fitness under the Building Act 2004 is required display a copy of the relevant current certificate showing the location of the compliance schedule in a place in each building (as defined in that Act) on the Land to which users of the building have ready access.
- 11.6 The Concessionaire must keep and maintain all building systems and any structure on the Land in accordance with the requirements of any compliance schedule.
- 11.7 The Concessionaire must retain and make available to any territorial authority and any other person with a right to inspect any structures on the Land under the Building Act 2004 a copy of the compliance schedule, together with the written reports relating to compliance with the compliance schedule over the previous two year period.
- 12. What about advertising?**
- 12.1 The Concessionaire shall not affix, paint or exhibit or permit to be displayed any name sign, signboard or advertisement of any description on the Land or to the exterior of any

building or structure on the Land without the prior written consent of the Grantor which will not be unreasonably withheld. Any such signage must be removed by the Concessionaire at the expiry or sooner determination of this Concession and any damage repaired at the Concessionaires own cost.

- 12.2 If directed by the Grantor, the Concessionaire must ensure that all its advertising and promotional material specifies that it is carrying out the Concession Activity on land administered by and under a Concession granted by the Grantor.
- 12.3 The Concessionaire is encouraged to obtain information from and have regard to the views of tangata whenua.

13. What are the liabilities and who insures?

- 13.1 The Concessionaire agrees to use the Land at the Concessionaire's own risk and releases to the full extent permitted by law the Grantor and the Grantor's employees and agents from all claims and demands of any kind and from all liability which may arise in respect of any accident, damage or injury occurring to any person or property in or about the Land.
- 13.2 The Concessionaire must indemnify the Grantor against all claims, actions, losses and expenses of any nature which the Grantor may suffer or incur or for which the Grantor may become liable arising from the Concessionaire's performance of the Concession Activity.
- 13.3 This indemnity is to continue after the expiry or termination of this Concession in respect of any acts or omissions occurring or arising before its expiry or termination.
- 13.4 The Concessionaire has no responsibility or liability for costs, loss, or damage of whatsoever nature arising from any act or omission or lack of performance or any negligent or fraudulent act or omission by the Grantor, or any contractor or supplier to the Grantor, or any employee or agent of the Grantor.
- 13.5 Despite anything else in clause 13 the Concessionaire is not liable for any indirect or consequential damage or loss howsoever caused.
- 13.6 The Grantor is not liable and does not accept any responsibility for damage to or interference with the Land, the Concession Activity, or to any structures, equipment or facilities on the Land or any other indirect or consequential damage or loss due to any natural disaster, vandalism, sabotage, fire, or exposure to the elements except where, subject to clause 13.7, such damage or interference is caused by any wilful act or omission of the Grantor, the Grantor's employees, agents or contractors.
- 13.7 Where the Grantor is found to be liable in accordance with clause 13.6, the total extent of the Grantor's liability is limited to \$1,000,000 in respect of the Concessionaire's structures, equipment and facilities.
- 13.8 Despite anything else in clause 13 the Grantor is not liable for any indirect or consequential damage or loss howsoever caused.
- 13.9 Without prejudice to or in any way limiting its liability under this clause 13 the Concessionaire at the Concessionaire's expense must take out and keep current policies for insurance and for the amounts not less than the sums specified in Item 12 of Schedule 1 with a substantial and reputable insurer.

- 13.10 After every three year period of the Term the Grantor may, on giving 10 working days' notice to the Concessionaire, alter the amounts of insurance required under clause 13.9. On receiving such notice, the Concessionaire must within 10 working days take out and keep current policies for insurance and for the amounts not less than the sums specified in that notice.
- 13.11 The Concessionaire must provide to the Grantor within 5 working days of the Grantor so requesting:
- (a) details of any insurance policies required to be obtained under this Concession, including any renewal policies if such renewal occurs during the Term; and/ or;
 - (b) a copy of the current certificate of such policies.
- 14. What about Health and Safety?**
- 14.1 The Concessionaire must exercise the rights granted by this Concession in a safe and reliable manner and must comply with the Health and Safety at Work Act 2015 and its regulations and all other provisions or requirements of any competent authority relating to the exercise of this Concession. The Concessionaire must comply with its safety plan and with any safety directions of the Grantor.
- 14.2 The Concessionaire must provide the Grantor with a copy of its current Health and Safety Plan for the operation of the Activity on the Land.
- 14.3 The Concessionaire must:
- (a) notify the Grantor of any natural events or activities on the Land or the surrounding area which may endanger the public or the environment;
 - (b) take all practicable steps to protect the safety of all persons present on the Land and must, where necessary, erect signposts warning the public of any dangers they may encounter as a result of the Concessionaire's operations;
 - (c) take all practicable steps to eliminate any dangers to the public and must clearly and permanently mark any that remain and of which the Concessionaire is aware;
 - (d) record and report to the Grantor all accidents involving serious harm within 24 hours of their occurrence and forward an investigation report within 3 days of the accident occurring;
 - (e) ensure that all contracts between the Concessionaire and any contractors contain, at a minimum, the same requirements as clause 14;
 - (f) be satisfied that facilities or equipment provided by the Grantor to enable the Concession Activity to be carried out meet the safety requirements of the Concessionaire;
 - (g) not bring onto the Land or any land administered by the Department any dangerous or hazardous material or equipment which is not required for purposes of the Concession Activity; and if such material or equipment is required as part of the Concession Activity, the Concessionaire must take all practicable steps at all times to ensure that the material or equipment is treated with due and proper care.
- 15. What are the compliance obligations of the Concessionaire?**
- 15.1 The Concessionaire must comply where relevant:
- (a) with the provisions of any conservation management strategy or conservation management plan under the Conservation Act 1987 or Part IIA of the Reserves

Act 1977, or any general policy statement made under the Conservation Act 1987, Reserves Act 1977, National Parks Act 1980, or Wildlife Act 1953, or management plan under section 45 of the National Parks Act 1980, whichever is appropriate to the Land, together with any amendment or review of any policy, strategy or plan whether approved before, on, or after the date on which this Concession takes effect; and

- (b) with the Conservation Act 1987, the Reserves Act 1977, the National Parks Act 1980, Wildlife Act 1953 and any other statute, ordinance, regulation, bylaw, or other enactment (collectively the "Legislation") affecting or relating to the Land or affecting or relating to the Concession Activity, including any regulations made under the Conservation Act 1987 and Wildlife Act 1953 or bylaws made under the Reserves Act 1977 or the National Parks Act 1980; and
- (c) with all notices and requisitions of any competent authority affecting or relating to the Land or affecting or relating to the conduct of the Concession Activity; and
- (d) with all the Grantors signs and notices placed on or affecting the Land; and
- (e) with all reasonable notices and directions of the Grantor concerning the Concession Activity on the Land.

15.2 The Concessionaire must comply with this Concession.

15.3 A breach or contravention by the Concessionaire of a relevant conservation management strategy, conservation management plan, management plan or any statement of general policy referred to in clause 15.1.(a) is deemed to be a breach of this Concession.

15.4 A breach or contravention by the Concessionaire of any Legislation affecting or relating to the Land or affecting or relating to the Concession Activity is deemed to be a breach of this Concession.

15.5 If the Legislation requires the Grantor to spend money on the Grantor's own structures, facilities or land alterations on the Land, the Grantor may charge, in addition to the Concession Fee, an annual sum equal to 15% per annum of the amount spent by the Grantor.

15.6 If the Legislation requires the Grantor to spend money on structures, facilities or land alterations on the Land which the Grantor considers unreasonable, the Grantor may determine this Licence and any dispute as to whether or not the amount is unreasonable is to be determined in accordance with clause 23.

16. What if the Grantor's structures or facilities are damaged or destroyed?

16.1 If the Grantor's structures or facilities or any portion of them are totally destroyed or so damaged:

- (a) as to render them untenable, the Licence is to terminate at once; or
- (b) as, in the reasonable opinion of the Grantor, to require demolition or reconstruction, the Grantor may, within 3 months of the date of damage or destruction, give the Concessionaire 1 months' notice to terminate and a fair proportion of the Concession Fee and Other Charges is to cease to be payable according to the nature and extent of the damage.

16.2 Any termination under clause 16.1 is to be without prejudice to the rights of either party against the other.

- 16.3 If the Grantor's structures or facilities or any portion of them are damaged but not so as to render the premises untenable and:
- (a) the Grantor's policy or policies of insurance have not been invalidated or payment of the policy monies refused in consequence of some act or default of the Concessionaire; and
 - (b) all the necessary permits and consents are obtainable; and
 - (c) the Grantor has not exercised the right to terminate under clause 16.1,
- the Grantor must, with all reasonable speed, apply all insurance money received by the Grantor in respect of the damage towards repairing the damage or reinstating the structures or facilities; but the Grantor is not liable to spend any sum of money greater than the amount of the insurance money received.
- 16.4 Any repair or reinstatement may be carried out by the Grantor using such materials and form of construction and according to such plan as the Grantor thinks fit and is to be sufficient so long as it is reasonably adequate for the Concessionaire's use of the Land for the Concession Activity.
- 16.5 Until the completion of the repairs or reinstatement a fair proportion of the Concession Fee and other charges is to cease to be payable according to the nature and extent of the damage.
- 16.6 If any necessary permit or consent is not obtainable or the insurance money received by the Grantor is inadequate for the repair or reinstatement, the Term is at once to terminate but without prejudice to the rights of either party against the other.
- 17. What are the Grantor's rights to remedy defaults?**
- 17.1 The Grantor may elect to remedy at any time, after giving notice, if practicable, any default by the Concessionaire under this Concession. Before electing to so remedy in accordance with this clause, the Grantor must, if practicable, first give the Concessionaire notice of the default and a reasonable opportunity to remedy the default.
- 17.2 The Concessionaire must pay to the Grantor forthwith on demand all reasonable costs and expenses incurred by the Grantor, including legal costs and expenses as between solicitor and client, in remedying such default. The Concessionaire is to pay interest on such costs and expenses if payment is not made within 14 days of the Grantor's demand from the date of the demand until the date of payment at the Penalty Interest Rate specified in Item 10 of Schedule 1.
- 18. When can the Concession be suspended?**
- 18.1 If, in the Grantor's opinion, there is a temporary risk to any natural or historic resource on or in the vicinity of the Land or to public safety whether arising from natural events such as earthquake, land slip, volcanic activity, flood, or arising in any other way, whether or not from any breach of the terms of this Concession on the part of the Concessionaire, then the Grantor may suspend this Concession.
- 18.2 If, in the Grantor's opinion, the activities of the Concessionaire are having or may have an adverse effect on the natural, historic or cultural values or resources of the Land and the Grantor considers that the effect can be avoided, remedied or mitigated to an extent satisfactory to the Grantor, then the Grantor may suspend this Concession until the Concessionaire avoids, remedies or mitigates the adverse effect to the Grantor's satisfaction.

- 18.3 The Grantor may suspend the Concession for such period as the Grantor determines where the Concessionaire has breached any terms of this Concession.
- 18.4 The Grantor may suspend this Concession while the Grantor investigates any of the circumstances contemplated in clauses 18.1 and 18.2 and also while the Grantor investigates any potential breach or possible offence by the Concessionaire, whether or not related to the Concession Activity under the Conservation Act 1987 or any of the Acts mentioned in the First Schedule of that Act.
- 18.5 The word “investigates” in clause 18.4 includes the laying of charges and awaiting the decision of the Court.
- 18.6 During any period of temporary suspension arising under clauses 18.1 or 18.2 the Concession Fee payable by the Concessionaire is to abate in fair proportion to the loss of use by the Concessionaire of the Land.
- 18.7 The Grantor is not to be liable to the Concessionaire for any loss sustained by the Concessionaire by reason of the suspension of the Concession under this clause 18 including loss of profits and shall not relocate the Concessionaire in order to undertake the Concession Activity.
- 19. When can the Concession be terminated?**
- 19.1 The Grantor may terminate this Concession either in whole or in part:
- (a) by 14 day's notice to the Concessionaire if the Concession Fee or any other money payable to the Grantor under this Concession is in arrears and unpaid for 10 working days after any of the days appointed for payment whether it has been lawfully demanded or not; or
 - (b) by 14 day's notice to the Concessionaire or such sooner period as it appears necessary and reasonable to the Grantor if:
 - (i) the Concessionaire breaches any terms of this Concession and in the Grantor's sole opinion the breach is able to be rectified; and
 - (ii) the Grantor has notified the Concessionaire of the breach; and
 - (iii) the Concessionaire does not rectify the breach within 7 days of receiving notification; or such earlier time as specified by the Grantor; or
 - (c) by notice in writing to the Concessionaire where the Concessionaire breaches any terms of this Concession and in the sole opinion of the Grantor the breach is not capable of being rectified; or
 - (d) immediately by notice in writing to the Concessionaire where the Concessionaire breaches clauses 13.9 and 14; or
 - (e) by notice in writing to the Concessionaire if the Concessionaire ceases to conduct the Concession Activity or, in the reasonable opinion of the Grantor, the conduct of the Concession Activity is manifestly inadequate; or
 - (f) by notice in writing to the Concessionaire if the Concessionaire is convicted of an offence under the Conservation Act 1987 or any of the Acts listed in the First Schedule to that Act or any statute, ordinance, regulation, bylaw, or other enactment affecting or relating to the Land or which in the Grantor's sole opinion affects or relates to the Concession Activity; or
 - (g) by notice in writing to the Concessionaire if the Concessionaire or the Guarantor is dissolved; or enters into any composition with or assignment for the benefit of its creditors; or is adjudged bankrupt; or being a company, has a receiver

appointed; or is put into liquidation; or is placed under statutory management; or has a petition for winding up presented against it; or is otherwise unable to pay its debts as they fall due; or the estate or interest of the Concessionaire is made subject to a Writ of Sale or charging order; or the Concessionaire ceases to function or operate; or

- (h) immediately if there is, in the opinion of the Grantor, a permanent risk to public safety or to the natural and historic resources of the Land whether arising from the conduct of the Concession Activity or from natural causes such as earthquake, land slip, volcanic activity, flood, or arising in any other way, whether or not from any breach of the terms of this Concession on the part of the Concessionaire.

- 19.2 The Grantor may exercise its power to terminate under 19.1(h) without giving notice.
- 19.3 The Grantor may exercise the Grantor's right under this clause to terminate the Concession notwithstanding any prior waiver or failure to take action by the Grantor or any indulgence granted by the Grantor for any matter or default.
- 19.4 Termination of the Concession is not to prejudice or affect the accrued rights or claims and liabilities of the parties.
- 19.5 The Grantor is not to be liable to the Concessionaire for any loss sustained by the Concessionaire by reason of the termination of the Concession under this clause 19 including loss of profits and shall not relocate the Concessionaire in order to undertake the Concession Activity.

20. What happens on termination or expiry of the Concession?

- 20.1 If the Grantor permits the Concessionaire to remain in occupation of the Land after the expiry or earlier termination of the Term, (which permission may be oral or in writing), the occupation is to be on the basis:
 - (a) of a monthly tenancy only, terminable by 1 month's notice by either party; and
 - (b) at the Concession Fee then payable; and
 - (c) otherwise on the same terms and conditions, as they would apply to a monthly tenancy, as expressed or implied in this Concession.
- 20.2 On expiry or termination of this Concession, either as to all or part of the Land, the Concessionaire is not entitled to compensation for any structures or other improvements placed or carried out by the Concessionaire on the Land.
- 20.3 The Concessionaire may, with the Grantor's written consent, remove any specified structures and other improvements on the Land. Removal under this clause must occur within the time specified by the Grantor and the Concessionaire is to make good any damage and leave the Land and other public conservation land affected by the removal in a clean and tidy condition.
- 20.4 The Concessionaire must, if the Grantor gives written notice, remove any specified structures and other improvements on the Land. Removal under this clause must occur within the time specified by the Grantor and the Concessionaire is to make good any damage and leave the Land and other public conservation land affected by the removal in a clean and tidy condition and replant the Land with indigenous vegetation of a similar abundance and diversity as at the commencement of the Term. If before the expiry of the Term the Concessionaire makes an application for a further concession in respect of the same Concession Activity on the Land, then the Grantor cannot require such removal and reinstatement until such time as that concession application has been determined. If a

new concession is granted then removal and reinstatement cannot be required until the expiry or termination of the new concession.

21. When is the Grantor's consent required?

- 21.1 Where the Grantor's consent or approval is expressly required under this Concession then the Concessionaire must seek that approval or consent for each separate time it is required even though the Grantor may have given approval or consent for a like purpose on a prior occasion. Any such consent or approval may be made on such conditions as the Grantor considers appropriate.

22. What about other concessions?

- 22.1 Nothing expressed or implied in this Concession is to be construed as preventing the Grantor from granting other concessions, whether similar or not, to other persons provided that the Grantor must not grant another concession that would derogate in any material way from the Concessionaire's ability to carry out the Concession Activity.

23. How will disputes be resolved?

- 23.1 If a dispute arises between the parties in connection with this Concession the parties must, without prejudice to any other rights or entitlements they may have, attempt to resolve the dispute by agreement using informal dispute resolution techniques such as negotiation, mediation, independent expert appraisal or any other alternative dispute resolution technique. The rules governing any such technique adopted are to be agreed between the parties.
- 23.2 If the dispute cannot be resolved by agreement within 14 days of written notice by one party to the other (or such further period as the parties may agree to in writing) either party may refer the dispute to the Disputes Tribunal, where relevant, or to arbitration, which arbitration is to be carried out in accordance with the provisions of the Arbitration Act 1996.
- 23.3 If the parties do not agree on an arbitrator within 10 working days of a party giving written notice of the requirement to appoint an arbitrator, the President of the New Zealand Law Society is to appoint the arbitrator. In either case the arbitrator must not be a person who has participated in an informal dispute resolution procedure in respect of the dispute.
- 23.4 The arbitrator must include in the arbitration award reasons for the determination.
- 23.5 Despite the existence of a dispute, each party must continue to perform its obligations under this Concession.

24. What about prosecution for offences?

- 24.1 Where any breach of this Concession by the Concessionaire also constitutes an offence under the Resource Management Act 1991, the Conservation Act 1987, or any of the Acts listed in the First Schedule to that Act:
- (a) no waiver or failure to act by the Grantor under this Concession is to preclude the Grantor from prosecuting the Concessionaire; and
 - (b) no failure by the Grantor to prosecute the Concessionaire is to preclude the Grantor from exercising the Grantor's remedies under this Concession; and
 - (c) any action of the Grantor in prosecuting the Concessionaire is not to preclude the Grantor from exercising the Grantor's remedies under this Concession.

25. How are notices sent and when are they received?

25.1 Any notice to be given under this Concession is to be in writing and made by personal delivery, by pre-paid post or email to the receiving party at the address, fax number or email address specified in Item 14 of Schedule 1. Any such notice is to be deemed to have been received:

- (a) in the case of personal delivery, on the date of delivery;
- (b) in the case of post, on the 3rd working day after posting;
- (c) in the case of email, on the date receipt of the email is acknowledged by the addressee by return email or otherwise in writing.

25.2 If any party's details specified in Item 15 or 15 of Schedule 1 change then the party whose details change must within 5 working days of such change provide the other party with the changed details.

26. What is the scope of the Concession?

26.1 Except as provided by legislation, this Concession and any written variation agreed by the parties contain the entire understanding between the parties with reference to the subject matter of this Concession and there is no other agreement, representation or warranty whether it is expressed or implied which in any way extends, defines or otherwise relates to the provisions of this Concession.

27. Can provisions be severed?

27.1 Any illegality, or invalidity or unenforceability of any provision in this Concession is not to affect the legality, validity or enforceability of any other provisions.

28. What about the payment of costs?

28.1 The Concessionaire must pay the Grantor's processing fee for preparing and signing this Concession or any extension or variation of it.

28.2 The Concessionaire must pay in full immediately and on demand all costs and fees (including solicitor's costs and fees of debt collecting agencies engaged by the Grantor) arising out of and associated with steps taken by the Grantor to enforce or attempt to enforce the Grantor's rights and powers under this Concession including the right to recover outstanding money owed to the Grantor.

29. What is the relationship of parties?

29.1 Nothing expressed or implied in this Concession is to be construed as constituting the parties as partners or joint venturers.

30. What about Co-Siting?

30.1 In this clause "Co-Site" means the use of the Concessionaire's structures or facilities on the Land by a third party for an activity; and "Co-Sitee" and "Co-Siting" have corresponding meanings.

30.2 The Concessionaire must not allow Co-Siting on the Land without the prior written consent of the Grantor.

- 30.3 The Grantor's consent must not be unreasonably withheld but is at the Grantor's sole discretion and subject to such reasonable terms and conditions as the Grantor thinks fit including a requirement that the Co-Sitee be liable for direct payment to the Grantor of a concession fee and any environmental premium assessed in respect of the Co-Sitee's activity on the Land.
- 30.4 In addition, the Grantor must withhold consent if:
- (a) the Co-Siting would result in a substantial change to the Concession Activity on the Land; or
 - (b) the Grantor considers the change to be detrimental to the environment of the Land.
- 30.5 Subject to clause 30.4 the Concessionaire must, if required by the Grantor, allow Co-Siting on the Land.
- 30.6 Where the Concessionaire maintains that Co-Siting by a third party on the Land would:
- (a) detrimentally interfere physically or technically with the use by the Concessionaire of the Land; or
 - (b) materially prejudice any resource consents obtained by the Concessionaire or cause more onerous conditions to be imposed on it by the relevant authority; or
 - (c) obstruct or impair the Concessionaire's ability effectively to operate from the Land; or
 - (d) interfere with or prevent future forecast works of the Concessionaire;
- the Grantor, must, as a pre-condition to consideration of an application to grant a concession to a third party, require that third party to obtain, at its own cost, a report prepared by an independent consultant acceptable to the Grantor confirming or rejecting the presence of the matters specified in this clause 31.6. The Grantor must not grant a concession to a third party where the report confirms that the proposed concession would give rise to one or more of the matters specified in this clause 31.6.
- 30.7 If the independent consultant report rejects the Concessionaire's concerns, the Concessionaire may dispute this in accordance with the procedure set out in clause 23 of Schedule 2.
- 30.8 Where the Concessionaire is required under clause 31.5 to allow Co-Siting on the Land, the Concessionaire is, subject to clause 31.10 entitled to enter into commercial agreements with third parties for them to conduct an activity on the Land and to receive a reasonable fee from them for any agreed activity they intend to carry out on the Land. If a dispute arises between the Concessionaire and a third party such dispute must be determined by the Grantor having regard to, but not limited to, the following matters:
- (a) any written comments or submissions of the Concessionaire and third party;
 - (b) market value for the concession activity proposed by the third party having regard to the matters specified in Section 17Y(2) of the Conservation Act 1987;
 - (c) any other matters the Grantor considers relevant.
- 30.9 If the Concessionaire does not accept the Grantor's determination, the Concessionaire may dispute this in accordance with the procedure set out in clause 23 of Schedule 2.
- 30.10 For the avoidance of doubt, a Co-Sitee permitted on the Land must enter into a separate concession with the Grantor in terms of which the Co-Sitee may be required to pay to the Grantor a concession fee and environmental premium assessed in respect of the Co-Sitee's

activity on the Land. This separate concession must not contain provisions that conflict with the Concessionaire's rights and obligations in relation to the Land.

- 30.11 The Grantor must not authorise the third party to commence work on the Land until all relevant resource consents are issued, an agreement is executed between the Concessionaire and third party, and any conditions imposed by the Concessionaire have been met.

31. What about registering the Concession?

- 31.1 The Grantor is not required to do any act or thing to enable this Concession to be registered and the Concessionaire must not register a caveat in respect of the Concessionaire's interest under this Concession.

32. Which clauses survive termination?

- 32.1 Clauses 13 and 25 survive the termination of this Concession.

33. Are there any Special Conditions?

- 33.1 Special conditions are specified in Schedule 3. If there is a conflict between this Schedule 2 and the Special Conditions in Schedule 3, the Special Conditions shall prevail.

34. The Law

- 34.1 This Concession is to be governed by and interpreted in accordance with the laws of New Zealand.

SCHEDULE 3

SPECIAL CONDITIONS

Use and Supervision

1. The Concessionaire may graze sheep only on any part of the Land for the purposes of 'eating down' the grass thereon but such grazing use shall not prevent or interfere with the use of the Land for the Concession Activity i.e. as a golf course. Cattle stock, horses and pigs may not be grazed.
2. The Concessionaire will be solely responsible for the upkeep and maintenance of the Land for the purposes of the Concession Activity and the supervision and control of the use of the Land by persons participating in the Concession Activity or related activity.
3. The Concessionaire or its authorised representative may refuse to admit on to the Land, or may request removal from the Land any person who in its opinion is not in a fit or proper condition to participate in the Concession Activity, acts in a disorderly manner, fails to comply with the rules of conduct for persons participating in the Concession Activity on the land or any lawful request of the Concessionaire, or who wilfully damages or destroys any property of the Grantor or the Concessionaire.

Public Right of Use and Access

4. (a) The Concessionaire shall, subject to all other conditions of this Concession Licence, maintain the Land as a public golf course and all persons shall have the right to use the Land for the Concession Activity in compliance with the rules of the game of golf, at all times the golf course is open for such purposes but subject to the payment of the fee referred to in Clause 4(e) below.
- (b) The Concessionaire will not restrict the days on which the golf course is open for playing golf except that the Concessionaire shall be entitled to the exclusive use of the Land for the Concession Activity for not more than 40 days each year, for the purpose of holding golf tournaments, but shall not occupy the Land exclusively for more than six (6) days consecutively.
- (c) The Concessionaire may make such rules for the management and control of the golf course on the Land and for the conduct of persons using the same provided that all rules made shall be consistent with the terms of this Concession. A copy of the rules shall be provided to the Grantor at the commencement of this Concession. If any dispute arises between the Grantor and the Concessionaire as to the suitability of any rules, the parties agree to hold discussions to resolve any such dispute and, in the absence of any resolution the provisions of Clause 23 will apply.

The Concessionaire will display all approved and adopted rules for management and control of the golf course in a place accessible to all persons who may wish to play golf on the Land, for their information and guidance.

- (d) Any person, not being a member of the Waikouaiti Golf Club Inc. or not authorised by the Club to use the golf course on the Land without fee shall on payment of the prescribed fee be entitled to play golf on the golf course at such time and in such order of play as rules of the Club allow and all persons who are sufficiently skilled for playing golf on the golf course may do so irrespective of whether the person is or are a member of the Waikouaiti Golf Club or any other Club or Association.
- (e) Before being entitled to play on the golf course as outlined herein each person not being a member of the Waikouaiti Golf Club Inc, or authorised by that Club to play without fee

shall pay such fees as are prescribed from time to time by the Concessionaire for visiting players.

- (f) The Concessionaire will at its own cost from the commencement of this lease provide and maintain proper and convenient toilet facilities on the Land and all persons using the golf course will be entitled to use these toilet facilities without payment of any fee.
 - (g) The Concessionaire may, with the prior written consent of the Grantor, close all or any part of the golf course for such time as may be necessary, for the purpose of planting, tree pruning, cultivating, preserving or topdressing the Land.
- 5 It shall be lawful for any member of the public to enter and remain for a reasonable time on the Land at all times when the golf course is open for play without payment of any fee unless playing golf except on those days when entry to the golf course is restricted pursuant to Clause 4 (b) above, and any person so entering or remaining on the Land shall not be deemed a trespasser unless the behaviour of the person does not comply with the provisions of Clause 3 above

Management of the Reserve

6. The Concessionaire shall not remove any trees on the Land over 5 metres tall without the prior approval of the Grantor unless the removal of such trees is necessary for the immediate safety of persons participating in the Concession Activity and related activities on the Land. Where mature trees are proposed to be removed the ownership of these shall remain with the Grantor unless otherwise agreed.

7. Carparking

Where the Land includes an area used for car-parking the Concessionaire agrees:

- (a) the Concessionaire shall be solely responsible for the maintenance and upkeep of the carpark
- (b) the Grantor shall not be responsible for damage or theft of property (including but not limited to bikes, cars, trailer, boats or items located within any one of them) in the carpark area (whether such property is the Concessionaire's, its members, contractor's, or invitee's);
- (c) the Concessionaire shall be responsible for enforcing any rules it sets around use of the allocated carpark area within the Land.

8. Coastal Reserves

- 8.1 Should the Grantor or other statutory body require the Land or any part of it for the purposes of coastal protection (whether the Land is directly affected or not) as determined by the Council, and vacant possession is necessary for those purposes, then the Council may, by written notice to the Concessionaire, terminate this Concession by specifying a date of termination to be effective not less than six (6) months after the date of service of such notice on the Concessionaire.

Upon the expiration of such notice this Concession shall determine, but without prejudice to the rights of either party in relation to any prior breach of this Concession, and the rental and outgoings payable by the Concessionaire shall cease to accrue from the date of termination.

- 8.2 No account shall be taken of the termination rights contained in or other contents of this clause on any determination of rental on either rent reviews or extensions or renewals of this Concession.

9. **Maintenance, Repair and Replacement**

- 9.1 The Concessionaire will keep any Building and improvements on the Land, including (but not limited to) any fences and gates in good repair, order and condition. The Concessionaire shall ensure any Buildings on the Land remain maintained to a standard that is at all times compliant with the requirements of all statutory agencies in relation to all matters including but not limited to health and safety and building safety compliance.
- 9.2 The Concessionaire shall be responsible for and shall maintain and meet all charges for all electricity, water, gas and telephone lines, pipes and conduits, tapware and all other services and utilities in, on, under or servicing the Land in good order and repair and useable condition. The Concessionaire shall maintain storm or wastewater drainage systems (including downpipes and guttering) and keep them clear and unobstructed.
- 9.3 The Concessionaire acknowledges that the Grantor may require it to use certain Grantor approved contractors to undertake any works required to be undertaken by any Concessionaire under this Licence.
- 9.4 The Concessionaire acknowledges it is liable to reimburse the Grantor for the cost of repair, maintenance or replacement where it is stated as an Outgoing in the First Schedule.

10. **Ownership of buildings and structures**

Buildings and structures located on the Land and the ownership of these are listed below.

9.1 **Waikouaiti Golf Club**

1. Clubhouse
2. Golf cart shed
3. Maintenance shed
4. inground irrigation system

9.2 **Dunedin City Council**

1. Nil

SCHEDULE 4

Aerial photo showing part of Waikouaiti Domain recreation reserve occupied by Waikouaiti Golf Club outlined in yellow.



NON-TRADING COUNCIL CONTROLLED ORGANISATIONS - APPLICATION FOR EXEMPTION

Department: Corporate Policy

EXECUTIVE SUMMARY

- 1 An exemption is sought under section 7(3) of the Local Government Act 2002 for non-trading Council Controlled Organisations from the requirement to fulfil reporting and other requirements imposed by the Local Government Act 2002.
- 2 As this is an administration report, there are no options or Summary of Considerations.

RECOMMENDATIONS

That the Council:

- a) **Grants** an exemption under section 7 of the Local Government Act 2002 to each of the companies named below, whilst they are not being used for any trading:
 - i) Tourism Dunedin Limited;
 - ii) Dunedin Events Limited;
 - iii) Dunedin Visitor Centre Limited;
 - iv) Otago Power Limited; and
 - v) Lakes Contract Services Limited.

BACKGROUND

- 3 The Local Government Act 2002 section 7(3) provides for Council, by resolution, to exempt small organisations from being a Council Controlled Organisation and, therefore, making them exempt from the reporting and other requirements of the Local Government Act 2002.
- 4 At various times Council has approved the establishment of shelf companies. These companies have been established as Council Controlled Organisations. The shelf companies were registered only for the purpose of securing the names. None of the companies are presently engaged in a trading activity. However, they are still required to comply with the reporting and other criteria imposed on Council Controlled Organisations by the Local Government Act 2002. This includes the obligation to prepare an annual statement of intent.

- 5 Section 7 of the Act allows the Council to exempt a small Council Controlled Organisation that does not trade. The effect is that for the period of the exemption it is not in fact a Council Controlled Organisation for the purposes of the Act. The period of the exemption can only last for three years and the current exemption is due to expire.

DISCUSSION

- 6 Council is required to take into account the following matters:
- a) The nature and scope of the activities provided by the companies; and
 - b) The costs and benefits, if an exemption is granted, to the Council, the companies and the community.
- 7 As the shelf companies are not undertaking any activities, if the exemption was not approved there would be additional administrative costs associated with the companies. It is therefore recommended that Council grant the exemption.

OPTIONS

- 8 There are no options.

NEXT STEPS

- 9 The exemptions will be reconfirmed in 2024.

Signatories

Author:	Sharon Bodeker - Corporate Planner
Authoriser:	Sandy Graham - Chief Executive Officer

Attachments

There are no attachments for this report.

REPRESENTATION REVIEW - SUBMISSION CLOSING DATE EXTENSION

Department: Civic

EXECUTIVE SUMMARY

- 1 The purpose of the report is to seek a Council decision to extend the period for submissions on the Representation Review by two weeks.
- 2 On 10 August Council agreed on an Initial Proposal for its representation arrangements and set a closing date of Saturday 18 September for submissions.
- 3 It is proposed that the closing date for submissions be extended by two weeks until Monday 4 October 2021. This is to ensure the announcement of lockdown level 4 does not negatively impact the ability of members of the public to make a submission. A two week extension to the submission period is the maximum possible while still ensuring that Council complies with the remaining statutory timeframes associated with the process.

RECOMMENDATIONS

That the Council:

- a) **Approves** an extension of two weeks for submissions on the Representation Review until Monday 4 October 2021.

OPTIONS

- 4 While there is always the option not to extend the timeframe for public submissions staff can identify no reason not to adopt the recommendation, as Council's initial proposal for consultation. On this basis there are no recommended options.

NEXT STEPS

- 5 Once approved, the public will be advised of the extended period for submissions. Council is then required to consider the submissions, decide on its final proposal and give public notice of its final proposal and the opportunity to appeal or object within six weeks of the closing of submissions (15 November 2021). The appeal period will close on 15 December 2021.

Signatories

Author:	Clare Sullivan - Manager Governance
Authoriser:	Jeanette Wikaira - Manahautū (General Manager Māori Partnerships and Policy)

Attachments

There are no attachments for this report.

RESOLUTION TO EXCLUDE THE PUBLIC

That the Council excludes the public from the following part of the proceedings of this meeting (pursuant to the provisions of the Local Government Official Information and Meetings Act 1987) namely:

General subject of the matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution	Reason for Confidentiality
C1 New Zealand Sports Hall of Fame Update	<p>S7(2)(h) The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>S7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	S48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	
C2 Centre of Digital Excellence (CODE)	S7(2)(a) The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	S48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	
C3 New Zealand Masters Games Appointment of Trustees	S7(2)(a) The withholding of the information is necessary to protect the privacy of natural	S48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for	

	persons, including that of a deceased person.	which good reason for withholding exists under section 7.	
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This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987, and the particular interest or interests protected by Section 6 or Section 7 of that Act, or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above after each item.